"I personally am convinced that our world superiority in the production of food and fiber can be used to encourage great masses of humanity into peaceful pursuits, moving them toward self reliance and self sufficiency in the production of food and fiber. This should strengthen the bonds of friendship among free nations. Moreover, as I have said on many occasions, I am convinced that in the end bread will be more important than bullets in bringing peace to the world."

Mr. COOLEY said the new emphasis upon world food and fiber policy he envisions through the bill introduced today not only would aid the recipients of our food and fiber but also would be beneficial to the economy and well-being of the people of the United States.

"I am not proposing," he said, "that we remove forthwith the restraints upon farm production now operating through voluntary farm programs. If we did this, we might again find ourselves buried in surpluses. Neither do I suppose that the United States can feed everyone who is hungry around the world. But our farmers have mastered the arts of abundance and they can produce food and fiber, beyond our own needs, that can build the physical strength and morale of the populations in many countries where these people work in the direction of self-sufficiency in agriculture.

"The United States would expect to receive as great a return from its augmented exports of agricultural commodities as is reasonable and possible under the circumstances of each particular country.

"Food would be donated, where necessary. If the country could pay for all or part of our exports in its local currency, it would be expected to do so. When its economy reached a level where it could pay in long-term dollar credits this would take the place of all or part of the local currency payments. From that it is to be hoped the country would develop into a commercial importer, as many of the countries which have received help under Public Law 480 have done.

"I expect this new emphasis I propose in the bill I have introduced to bring ultimately a substantial expansion of the production of America's farms, lessening the need for programs to repress production. Our farmers would be the key to the whole program I envision. I would hope that this new program would keep millions of acres in production and employ on our farms many thousands of people who would be dislocated and crowded into our cities if we proceed with further restrictions upon agricultural output.

"I can see that this new emphasis will develop for the United States broad commercial markets around the world for our food and fiber in the years ahead. Moreover, it has been demonstrated that those countries which have developed their agriculture to the highest degree are the best customers abroad of U.S. agriculture and industry."

SENATE

THURSDAY, JANUARY 20, 1966

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

Bishop W. Earl Ledden, Wesley Theological Seminary, Washington, D.C., offered the following prayer:

O Lord, our God, surrounded by the symbols of the power and the glory of our beloved country, we remember before Thee the disorder and distress of so many in Thy human family.

We lift hands of prayer for our tortured world. The creation which Thou didst call good is marred by man's inhumanity to man. The blood of brother slain by brother cries unto Thee from the ground. And Thy rebuke troubles the conscience of sensitive souls throughout the earth.

In this day of balanced terror and unbalanced judgment, be Thou our stay; steady our minds, strengthen our wills. Restrain those who loose wild tongues that have not Thee in awe. Make strong the hands of those who seek peace and pursue it.

Make us, we pray, conscientious projectors, driven by an awakened conscience to support those many noble projects already underway for the peace of the world. Sustain, O Lord, those many leaders among us who pray and labor for the good of their fellow men; and bring in that kingdom without frontiers of which Thy prophets have dreamed across the long generations. In His name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, January 19, 1966, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that on January 19, 1966, the President had approved and signed the joint resolution (S.J. Res. 125) extending the date for transmission of the Economic Report.

PROPOSED AMENDMENT OF THE CONSTITUTION RELATING TO TERM OF OFFICE OF MEMBERS OF THE HOUSE OF REPRESENTATIVES—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 364)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with an accompanying paper, was referred to the Committee on the Judiciary:

To the Congress of the United States:

In 1816 Thomas Jefferson wrote:

> Some men ascribe to the men of a preceding age a wisdom more than human, and suppose what they did to be beyond amendment * * * I am certainly not an advocate for frequent and untried changes in laws and constitutions * * * But I know also, that laws and institutions must go hand in hand with the progress of the human mind.

I believe that in the interest of progress and sound modern government—and to nourish and strengthen our creative Federal system—we must amend our Constitution, to provide a 4-year term of office for Members of the House of Representatives.

I believe that for the same reasons we must also eliminate those defects in the electoral college system which make possible the frustration of the people's will in the election of their President and Vice President.

FOUR-YEAR TERM FOR HOUSE MEMBERS

I

Debate over the length of the House term is not new. It began in the Constitutional Convention, where those who thought annual elections were essential to freedom clashed with others, such as Madison, who held that 3 years were required "in a government so extensive, for members to form any knowledge of the various interests of the States to which they did not belong," and that without such knowledge "their trust could not be usefully discharged." Madison's thoughts are ruefully familiar to Members of the House today: he was certain that a 1-year term would be "almost consumed in preparing for and traveling to and from the seat of national business," and that even with a 2-year term none of the Representatives "who wished to be reelected would remain at the seat of government."

Between the advocates of a 1-year term—those who, bearing in mind recent English experience, feared the despotism of a government unchecked by the popular will—and those who saw a tenure of 3 years as necessary for wise administration, a compromise of 2 years was reached.

Thus there was little magic in the number 2, even in the year of its adoption. I am convinced there is even less magic today, and that the question of tenure should be reexamined in the light of our needs in the 20th century.

II

The authors of the Federalist Papers said about the House of Representatives:

> As it is essential to liberty that the Government in general should have a common interest with the people; so it is particularly essential that the branch of it under consideration should have an immediate dependence on, and an intimate sympathy with the people. Frequent elections are unquestionably the only policy by which this dependency and sympathy can be effectually secured. But what particular degree of frequency may be absolutely necessary for the purpose, does not appear to be susceptible of any precise calculation; and must depend on a variety of circumstances with which it may be connected.

The circumstances with which the 2-year term is presently connected are—

The accelerating volume of legislation on which Members are required to pass. In the first Congress, 142 bills were introduced, resulting in 108 public laws. In the 88th Congress, 15,299 bills were introduced, of which 666 were enacted into public law.

The increasingly complex problems that generate this flood of legislation, requiring Members to be familiar with an

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immense range of fact and opinion. It is no longer sufficient to develop solutions for an agricultural nation with few foreign responsibilities; now a man or woman chosen to represent his people in the House of Representatives must understand the consequences of our spiralling population growth, of urbanization, of the new scientific revolution, of our welfare and education requirements, and of our responsibilities as the world's most powerful democracy.

Longer sessions of Congress, made necessary by the burden of legislation and outstanding public issues. In less turbulent times, Members of Congress might conduct the public business with dispatch during election years, and spend the summer and autumn campaigning in their districts. Congress adjourned in April of 1904, June of 1906, May of 1908, and June of 1910. But increasing workloads have substantially extended the sessions. Thus it was in August of 1958 that Congress concluded its work, in September of 1960, October of 1962, and again in October of 1964. The competitive pressures imposed by the 2-year term, when the incumbent must remain in Washington into the fall to attend the public business, reduce his capacity to do either task—campaigning or legislating—with the complete attention his conscience and the public interest demand.

The increasing cost of campaigning that biennially impose heavy burdens on those who represent vigorously contested districts, and that magnify the influence of large contributors, pressure groups, and special interest lobbyists.

It may be said that every elected official confronts similar circumstances in the 1960's. Yet it can be said of none that his power for the public good or ill is both so great as the Congressman's, and so sharply pressed in time.

For this public servant—part judge and author of laws, part leader of his people, part mediator between the executive branch and those he represents—is scarcely permitted to take his seat in the historic Hall of the House, when he must begin once more to make his case to his constituency.

The Congressman's effectiveness as a legislator is reduced by this.

His district's right to be fully represented in Congress is diminished by this.

The Nation's need to be led by its best qualified men, giving their full attention to issues on which our security and progress depend, is ignored by this.

In the States, in private business, and indeed, in the Federal Government itself, the wisdom of longer terms for senior officials has come steadily to be recognized. State after State has adopted a 4-year gubernatorial term.

This administration has made every effort to extend ambassadorial tours of duty, to promote career civil servants to posts of higher responsibilities, and to retain Cabinet and sub-Cabinet officers on the job for longer periods than before. For we have learned that brief and uncertain periods in office contribute—not to the best interests of democracy—but to harassed inefficiency and the loss of invaluable experience.

III

Thus I recommend that the Congress adopt this amendment to the Constitution in the belief that it will—

Provide for each Member a sufficient period in which he can bring his best judgment to bear on the great questions of national survival, economic growth, and social welfare.

Free him from the inexorable pressures of biennial campaigning for reelection.

Reduce the cost—financial and political—of holding congressional office.

Attract the best men in private and public life into competition for this high public office.

I am mindful of the principal reason advanced for maintaining the 2-year term—that it is necessary if the voice of the people is to be heard, and changes in public opinion are to be registered on the conduct of public policy. My own experience in almost three decades in public office—and, I believe, the experience of Members of Congress today—is otherwise.

For we do not live in a day when news of congressional action requires weeks to reach our constituents, nor when public opinion is obscured by time and distance. Communications media rush the news to every home and shop within minutes of its occurrence. Public opinion polls, and mountains of mail, leave little doubt about what our people think of the issues most vital to them. I do not fear deafness on the part of those who will take their seats in Congress for a 4-year term.

It is also vital to recognize the effect of a longer term on the authority of the House in making known the will of the people. Established in office for 4 years, the weight of the House in the councils of government is certain to increase. For the sake of democracy, that is a development devoutly to be welcomed.

IV

I recommend that the amendment become effective no earlier than 1972.

It is imperative that each Member of the House have the opportunity of campaigning during a presidential election year. To divide the House into two classes, as some have proposed—one elected during the off year, one with the President—would create an unnecessary and wholly unfair division in that body. It would also create severe problems in every State: as reapportionment is ordered and redistricting takes place.

Off year elections are notorious for attracting far fewer voters—perhaps as much as 15 percent fewer—than presidential elections.

If our purpose is to serve the democratic ideal by making the people's House more effective in its performance of the people's business, then we must require that its Members be chosen by the largest electorate our democracy can produce. That, assuredly, is the electorate called into being during a presidential year.

I do not believe the Congress will wish to make the House the least representative of our three elective elements by perpetually condemning half its membership to a shrunken electorate. Such a body could not long sustain its claim to be an equal partner in the work of representative government.

V

If this amendment is to serve the public interest—if Members are to be free of campaigning for a period sufficiently long to enable them to master the work of the House—it is right that they should remain at that work during the entire term to which they are elected.

It would defeat the purpose of the amendment if a Member were free to campaign for the Senate without resigning his seat in the House. Because we seek to strengthen the House, and through it, representative government—not to provide a sanctuary and platform for further electoral contests—I recommend that no Member of either House be eligible for election as a Member of the other House until his own term has expired, unless, at least 30 days prior to that election, he submits his resignation from the office he holds.

VI

Our democracy cannot remain static, a prisoner to the past, if it is to enrich the lives of coming generations. Laws and institutions—to paraphrase Jefferson—must go hand in hand with the progress of the human mind, and must respond to the changing conditions of life itself.

One law that should be changed limits the term of office for one of the great arms of our Government to a period too brief for the public good.

Let us no longer bind ourselves to it. Let us reform it. We shall better serve our people when we do.

Because I profoundly agree with former President Eisenhower, when he said, "Congressmen ought to be elected for 4 years, at the same time with the President," I urge the Congress promptly to consider a constitutional amendment extending the term of office for the House of Representatives to 4 years.

REFORM OF THE ELECTORAL COLLEGE SYSTEM

In my special message to the Congress last January, I urged an amendment to the Constitution to reform the electoral college system. I renew this recommendation and strongly reaffirm the need to reform the electoral college system.

There are several major defects in the existing system. They should be eliminated in order to assure that the people's will shall not be frustrated in the choice of their President and Vice President.

First, there presently exists the possibility that the constitutional independence of unpledged electors will be exploited, and that their votes will be manipulated in a close presidential race to block the election of a major candidate in order to throw the election into the House of Representatives. This grave risk should be removed.

Second, if the election is thrown into the House of Representatives, the existing system suffers from other fundamental defects. In such an election, the House of Representatives would be empowered to elect a President from the

three highest candidates. However, each State casts only one vote, with the result that the least populous States have the same vote in the election of the President as the most populous States.

As early as 1823, Madison reached the conclusion that—

> The present rule of voting for President by the House of Representatives is so great a departure from the republican principle of numerical equality, and even from the Federal rule, which qualifies the numerical by a State equality, and is so pregnant also, with a mischievous tendency in practice, that an amendment to the Constitution on this point is justly called for by all its considerate and best friends.

I firmly believe that we should put an end to this undemocratic procedure.

Third, if the electoral vote is indecisive under the existing system, the President is elected by the House of Representatives, but the Vice President is elected by the Senate. This creates the possibility of the election of a President and a Vice President from different parties. That possibility should not exist. To prevent its realization, the President and the Vice President should both be elected by the same body.

Fourth, the 23d amendment makes no provision for participation by the District of Columbia in an election of the President by the House of Representatives, or of the Vice President by the Senate.

I firmly believe that we should extend to the District of Columbia all the rights of participation in the election of a President and Vice President which the 50 States may exercise.

Fifth, existing law fails to provide for the death of the President-elect or Vice-President-elect between election day and the counting of the electoral votes in December. There is also no provision in the Constitution to cover the contingency presented by the death of a candidate for President or Vice President shortly before the popular election in November. These gaps should now be filled.

Elimination of these defects in our Constitution is long overdue. Our concepts of self-government and sound government require it.

Congress can now, in the words of Daniel Webster, "perform something worthy to be remembered," by uprooting the more objectionable features in the system of electing a President and Vice President, and thereby helping to preserve representative government and the two-party system.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *January 20, 1966.*

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 767) authorizing the President to proclaim National Ski Week, and it was signed by the Vice President.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consider executive business.

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

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

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. PROXMIRE, from the Committee on Banking and Currency:

James S. Duesenberry, of Massachusetts, to be a member of the Council of Economic Advisers.

The PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the executive calendar.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The legislative clerk read the nomination of William Gorham, of the District of Columbia, to be an Assistant Secretary of Health, Education, and Welfare.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. TARIFF COMMISSION

The legislative clerk read the nomination of Paul Kaplowitz, of the District of Columbia, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1967.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

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

The PRESIDENT pro tempore. 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.

SUBCOMMITTEE MEETING DURING SENATE SESSION

On request of Mr. GORE, and by unanimous consent, the Subcommittee on Antitrust and Monopoly Legislation of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG of Louisiana, from the Committee on Finance, with amendments:

H.R. 7723. An act to amend the Tariff Schedules of the United States to suspend the duty on certain tropical hardwoods; (Rept. No. 949).

By Mr. RUSSELL of Georgia, from the Committee on Armed Services, with amendments:

H.R. 7813. An act to authorize the loan of naval vessels to friendly foreign countries; (Rept. No. 950).

STUDY OF ADMINISTRATIVE PRACTICE AND PROCEDURE—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 190) to study administrative practice and procedure, and for other purposes, which was referred to the Committee on Rules and Administration, as follows:

S. RES. 190

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study and investigation of administrative practices and procedures within the departments and agencies of the United States in the exercise of their rulemaking, licensing, investigatory, law enforcement, and adjudicatory functions, including a study of the effectiveness of the Administrative Procedure Act, with a view to determining whether additional legislation is required to provide for the fair, impartial, and effective performance of such functions.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1966, to January 31, 1967, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,200 than the highest gross rate paid to any other employee and; (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report is findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1967.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $175,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF ANTITRUST AND MONOPOLY LAWS OF THE UNITED STATES—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original

resolution (S. Res. 191) to investigate antitrust and monopoly laws of the United States, which was referred to the Committee on Rules and Administration, as follows:

S. RES. 191

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to make a complete, comprehensive, and continuing study and investigation of unlawful restraints and monopolies, and of the antitrust and monopoly laws of the United States, their administration, interpretation, operation, enforcement, and effect, and to determine and from time to time redetermine the nature and extent of any legislation which may be necessary or desirable for—

(1) clarification of existing law to eliminate conflicts and uncertainties where necessary;

(2) improvement of the administration and enforcement of existing laws; and

(3) supplementation of existing law to provide any additional substantive, procedural, or organizational legislation which may be needed for the attainment of the fundamental objects of the laws and efficient administration and enforcement thereof.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1966, to January 31, 1967, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1967.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $561,700.00 shall be paid from the contingent fund for the Senate upon vouchers approved by the chairman of the committee.

CONSIDERATION OF MATTERS PERTAINING TO FEDERAL CHARTERS, HOLIDAYS, AND CELEBRATIONS—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 192) to consider matters pertaining to Federal charters, holidays, and celebrations, which was referred to the Committee on Rules and Administration, as follows:

S. RES. 192

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate to consider all matters pertaining to Federal charters, holidays, and celebrations.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1966, to January 31, 1967, inclusive, is authorized to (1) make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the committee, under this resolution, which shall not exceed $7,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

AUTHORIZATION OF STUDY OF MATTERS PERTAINING TO CONSTITUTIONAL AMENDMENTS—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 193) authorizing a study of matters pertaining to constitutional amendments, which was referred to the Committee on Rules and Administration, as follows:

S. RES. 193

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to constitutional amendments.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1966, to January 31, 1967, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its activities and findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1967.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $117,685.15, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF MATTERS PERTAINING TO CONSTITUTIONAL RIGHTS—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 194) to investigate matters pertaining to constitutional rights, which was referred to the Committee on Rules and Administration, as follows:

S. RES. 194

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to constitutional rights.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1966, to January 31, 1967, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1967.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $195,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF CRIMINAL LAWS AND PROCEDURES—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 195) to investigate criminal laws and procedures, which was referred to the Committee on Rules and Administration, as follows:

S. RES. 195

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of criminal laws and procedures.

SEC. 2. For the purposes of this resolution, the committee from February 1, 1966, to January 31, 1967, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) employ on a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the department or agency concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1967.

SEC. 4. The expenses of the committee under this resolution, which shall not exceed $120,000, shall be paid from the contingent fund of the Senate by vouchers approved by the chairman of the committee.

STUDY OF MATTERS PERTAINING TO IMMIGRATION AND NATURALIZATION—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 196) to study matters pertaining to immigration and naturalization, which was referred to the Committee on Rules and Administration, as follows:

S. RES. 196

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate to examine, investigate, and make a complete study of any and all matters pertaining to immigration and naturalization.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1966, to January 31, 1967, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1967.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $170,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF ADMINISTRATION, OPERATION, AND ENFORCEMENT OF THE INTERNAL SECURITY ACT—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 197) to investigate the administration, operation, and enforcement of the Internal Security Act, which was referred to the Committee on Rules and Administration, as follows:

S. RES. 197

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, insofar as they relate to the authority of the committee, to make a complete and continuing study and investigation of (1) the administration, operation, and enforcement of the Internal Security Act of 1950, as amended; (2) the administration, operation, and enforcement of other laws relating to espionage, sabotage, and the protection of the internal security of the United States; and (3) the extent, nature, and effect of subversive activities in the United States, its territories and possessions, including, but not limited to, espionage, sabotage, and infiltration by persons who are or may be under the domination of the foreign government or organizations controlling the world Communist movement or any other movement seeking to overthrow the Government of the United States by force and violence.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1966, to January 31, 1967, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the committee, under this resolution, which shall not exceed $431,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY AND EXAMINATION OF THE FEDERAL JUDICIAL SYSTEM—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 198) to study and examine the Federal judicial system, which was referred to the Committee on Rules and Administration, as follows:

S. RES. 198

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to conduct a study and examination of the administration, practice and procedures of the Federal judicial system with a view to determining the legislation, if any, which may be necessary or desirable in order to improve the operations of the Federal courts in the just and expeditious adjudication of the cases, controversies, and other matters which may be brought before them.

SEC. 2. For the purpose of this resolution, the committee, from February 1, 1966, to January 31, 1967, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis professional, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of departments and agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1967.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $184,020.00, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF JUVENILE DELINQUENCY—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 199) to investigate juvenile delinquency, which was referred to the Committee on Rules and Administration, as follows:

S. RES. 199

Resolved, That the Committee of the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to juvenile delinquency in the United States, including (a) the extent and character of juvenile delinquency in the United States and its causes and contributing factors; (b) the adequacy of existing provisions of law, including chapters 402 and 403 of title 18 of the United States Code, in dealing with youthful offenders of Federal laws; (c) sentences imposed on, or other correctional action taken with respect to, youthful offenders by Federal courts; and (d) the extent to which juveniles are violating Federal laws relating to the sale or use of narcotics.

SEC. 2. For the purpose of this resolution, the committee, from February 1, 1966, to January 31, 1967, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less than $2,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation, as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1967.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $260,000 shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF NATIONAL PENITENTIARIES—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 200) to investigate national penitentiaries, which was referred to the Committee on Rules and Administration, as follows:

S. RES. 200

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and inspect national penitentiaries.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1966, to January 31, 1967, inclusive, is authorized (1) to make such expenditures as it deems ad-

visable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1967.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

EXAMINATION AND REVIEW OF ADMINISTRATION OF THE PATENT OFFICE—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 201) to examine and review the administration of the Patent Office, which was referred to the Committee on Rules and Administration, as follows:

S. RES. 201

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to conduct a full and complete examination and review of the administration of the Patent Office and a complete examination and review of the statutes relating to patents, trademarks, and copyrights.

SEC. 2. For the purposes of this resolution the committee from February 1, 1966, to January 31, 1967, inclusive, is authorized to (1) make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1967.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $110,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

INVESTIGATION OF PROBLEMS CREATED BY THE FLOW OF REFUGEES AND ESCAPEES FROM COMMUNISTIC TYRANNY—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 202) to investigate problems created by the flow of refugees and escapees from communistic tyranny, which was referred to the Committee on Rules and Administration, as follows:

S. RES. 202

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the problems created by the flow of refugees and escapees from Communist tyranny.

SEC. 2. For the purposes of this resolution, the committee from February 1, 1966, to January 31, 1967, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ on a temporary basis technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the department or agency concerned and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1967.

SEC. 4. The expenses of the committee under this resolution, which shall not exceed $105,400, shall be paid from the contingent fund of the Senate by vouchers approved by the chairman of the committee.

STUDY OF REVISION AND CODIFICATION OF THE STATUTES OF THE UNITED STATES—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 203) to study revision and codification of the statutes of the United States, which was referred to the Committee on Rules and Administration, as follows:

S. RES. 203

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to revision and codification of the statutes of the United States.

SEC. 2. For the purposes of this resolution the committee from February 1, 1966, to January 31, 1967, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided,* That if more than one counsel is employed, the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,200 than the highest rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations, to the Senate at the earliest practicable date, but not later than January 31, 1967.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $42,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. MONRONEY, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated January 11, 1966, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

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. HILL:

S. 2795. A bill for the relief of Dr. Antonio B. Donesa; and

S. 2796. A bill for the relief of Dr. Rafael Anrrich; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 2797. A bill to amend the Labor-Management Relations Act, 1947, and the Railway Labor Act with respect to emergency labor disputes; 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. JACKSON:

S. 2798. A bill for the relief of CWO Glen Zeigler, U.S. Navy (retired); to the Committee on the Judiciary.

By Mr. CARLSON (for himself and Mr. PEARSON):

S. 2799. A bill for the relief of Dr. and Mrs. Carlos Roberta Estrada Gonzales; to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 2800. A bill for the relief of George Joseph Saad; and

S. 2801. A bill for the relief of Helena Gilbert Maddagiri and Heather Gilbert Maddagiri; to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 2802. A bill to extend and amend the Library Services and Construction Act; to the Committee on Labor and Public Welfare.

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

By Mr. WILLIAMS of New Jersey:

S. 2803. A bill to amend title VI of the Public Health Service Act to establish a program under which assistance may be furnished for the construction of standby electrical systems in existing or proposed hospitals; to the Committee on Labor and Public Welfare.

S. 2804. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

S. 2805. A bill to amend section 13a of the Interstate Commerce Act, relating to the discontinuance or change of certain operations or services of common carriers by rail, in order to require the Interstate Commerce Commission to give full consideration to all financial assistance available before permitting

any such discontinuance or change; to the Committee on Commerce.

(See the remarks of Mr. WILLIAMS of New Jersey when he introduced the above bills, which appear under a separate heading.)

By Mr. GORE:

S. 2806. A bill to amend the Internal Revenue Code of 1954 to terminate the credit for investment in depreciable property; to the Committee on Finance.

S. 2807. A bill for the relief of Paul L. Finney; and

S. 2808. A bill for the relief of Phu Loc Ho Thi; to the Committee on the Judiciary.

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

By Mr. BAYH (for himself and Mr. METCALF):

S.J. Res. 126. Joint resolution proposing an amendment to the Constitution of the United States providing that the term of office of Members of the House of Representatives shall be 4 years; to the Committee on the Judiciary.

(See the remarks of Mr. BAYH when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTIONS

ADDITIONAL FUNDS FOR COMMITTEE ON LABOR AND PUBLIC WELFARE FOR FURTHER STUDY OF MIGRATORY LABOR

Mr. WILLIAMS of New Jersey submitted the following resolution (S. Res. 188); which was referred to the Committee on Labor and Public Welfare:

S. RES. 188

Resolved, That the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to migratory labor including, but not limited to, such matters as (a) the wages of migratory workers, their working conditions, transportation facilities, housing, health, and educational opportunities for migrants and their children, (b) the nature of and the relationships between the programs of the Federal Government and the programs of State and local governments and the activities of private organizations dealing with the problems of migratory workers, (c) the effectiveness of pertinent programs established by the Economic Opportunity Act, and (d) the degree of additional Federal action necessary in this area.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1966, to January 31, 1967, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1967.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $75,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

TO CONTINUE AND TO PROVIDE ADDITIONAL FUNDS FOR THE SPECIAL COMMITTEE ON AGING

Mr. WILLIAMS of New Jersey (for Mr. SMATHERS) submitted the following resolution (S. Res. 189); which was referred to the Committee on Rules and Administration:

S. RES. 189

Resolved, That the Special Committee on Aging established by S. Res. 33, Eighty-seventh Congress, agreed to on February 13, 1961, as amended and supplemented, is hereby extend through January 31, 1967.

SEC. 2. It shall be the duty of such committee to make a full and complete study and investigation of any and all matters pertaining to problems and opportunities of older people, including but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and, when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill or otherwise have legislative jurisdiction.

SEC. 3. The said committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

SEC. 4. A majority of the members of the committee or any subcommittee thereof shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of taking sworn testimony.

SEC. 5. For purposes of this resolution, the committee is authorized (1) to employ on a temporary basis from February 1, 1966, through January 31, 1967, such technical, clerical, or other assistants, experts, and consultants as it deems advisable: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,200 than the highest gross rate paid to any other employee; and (2) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, to employ on a reimbursable basis such executive branch personnel as it deems advisable.

SEC. 6. The expenses of the committee, which shall not exceed $221,000 from February 1, 1966, through January 31, 1967, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SEC. 7. The committee shall report the results of its study and investigation, together with such recommendations as it may deem advisable, to the Senate at the earliest practicable date, but not later than January 31, 1967. The committee shall cease to exist at the close of business on January 31, 1967.

STUDY OF ADMINISTRATIVE PRACTICE AND PROCEDURE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 190) to study administrative practice and procedure, and for other purposes, which was referred to the Committee on Rules and Administration.

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

INVESTIGATION OF ANTITRUST AND MONOPOLY LAWS OF THE UNITED STATES

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 191) to investigate antitrust and monopoly laws of the United States, which was referred to the Committee on Rules and Administration.

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

CONSIDERATION OF MATTERS PERTAINING TO FEDERAL CHARTERS, HOLIDAYS, AND CELEBRATIONS

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 192) to consider matters pertaining to Federal charters, holidays, and celebrations, which was referred to the Committee on Rules and Administration.

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

AUTHORIZATION OF STUDY OF MATTERS PERTAINING TO CONSTITUTIONAL AMENDMENTS

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 193) authorizing a study of matters pertaining to constitutional amendments, which was referred to the Committee on Rules and Administration.

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

INVESTIGATION OF MATTERS PERTAINING TO CONSTITUTIONAL RIGHTS

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 194) to investigate matters pertaining to constitutional rights, which was referred to the Committee on Rules and Administration.

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

INVESTIGATION OF CRIMINAL LAWS AND PROCEDURES

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 195) to investigate criminal laws and procedures, which was referred to the Committee on Rules and Administration.

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

STUDY OF MATTERS PERTAINING TO IMMIGRATION AND NATURALIZATION

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 196) to study matters pertaining to immigration and naturalization, which was referred to the Committee on Rules and Administration.

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

INVESTIGATION OF ADMINISTRATION, OPERATION, AND ENFORCEMENT OF THE INTERNAL SECURITY ACT

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 197) to investigate the administration, operation, and enforcement of the Internal Security Act, which was referred to the Committee on Rules and Administration.

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

STUDY AND EXAMINATION OF THE FEDERAL JUDICIAL SYSTEM

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 198) to study and examine the Federal judicial system, which was referred to the Committee on Rules and Administration.

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

INVESTIGATION OF JUVENILE DELINQUENCY

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 199) to investigate juvenile delinquency, which was referred to the Committee on Rules and Administration.

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

INVESTIGATION OF NATIONAL PENITENTIARIES

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 200) to investigate national penitentiaries, which was referred to the Committee on Rules and Administration.

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

EXAMINATION AND REVIEW OF ADMINISTRATION OF THE PATENT OFFICE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 201) to examine and review the administration of the Patent Office, which was referred to the Committee on Rules and Administration.

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

INVESTIGATION OF PROBLEMS CREATED BY THE FLOW OF REFUGEES AND ESCAPEES FROM COMMUNISTIC TYRANNY

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 202) to investigate problems created by the flow of refugees and escapees from communistic tyranny, which was referred to the Committee on Rules and Administration.

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

STUDY OF REVISION AND CODIFICATION OF THE STATUTES OF THE UNITED STATES

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 203) to study revision and codification of the statutes of the United States, which was referred to the Committee on Rules and Administration.

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

PROPOSED LEGISLATION TO PROTECT THE PUBLIC INTEREST IN LABOR DISPUTES WHICH IMPERIL THE PUBLIC HEALTH OR SAFETY

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to amend the Labor-Management Relations Act and the Railway Labor Act to give the President new, and in my opinion, critically necessary powers to protect and assert the public interest not only in labor disputes of a national character but also in any labor dispute affecting commerce which imperils the public health or safety in any substantial part of the population or territory of the Nation, including labor controversies involving State or municipal employees engaged in transportation, transmission, or communication.

This proposed legislation, which is designed to protect the public interest in a wide variety of controversies ranging from city transit strikes, like the recent one in New York City, to steel labor crises, to rail work-rules disputes—all areas where existing laws have proven to be grossly inadequate—would:

First. Authorize the President to appoint a board of inquiry to make public recommendations for a settlement based on factfinding.

Second. Authorize the President to order a 30-day freeze, during which the parties would be under a duty to bargain upon the recommendations, although neither party would be required to accept the recommendations.

Third. Authorize the President to seek appointment by a Federal court of a special receiver to operate the struck facilities to the extent which, in the opinion of the court, is necessary to protect the public health and safety.

Fourth. Extend coverage of the emergency labor disputes provisions of the Taft-Hartley Act to controversies which, though they may not affect an entire industry nor imperil the health or safety of the Nation as a whole, do affect interstate commerce and do imperil the health or safety of a substantial part of the population or territory of the Nation, and cover employees of a State or political subdivision if they are engaged in transportation, transmission, or communication.

Fifth. The emergency labor disputes provisions of the Taft-Hartley Act are not otherwise affected.

The crippling New York transit strike earlier this month was only one in a series of recent labor disputes and threatened labor disputes pointing up the inadequacy of existing laws to protect the public interest. The steel labor crisis last fall was resolved only after it brought the Nation to the brink of economic disaster—and then only after the President personally intervened and was forced to put the full prestige of his office behind a settlement which originated in the White House. And the 1963 rail crisis, which was suspended only by a special statute closely akin to compulsory arbitration—a procedure which failed to satisfy the parties then and may well erupt once more this spring when the 1963 statute expires—demonstrated with compelling force that what is needed is an established procedure which not only protects the public interest but also leaves the actual terms of the final settlement of the dispute to the parties themselves, to be reached by free collective bargaining.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that I may have 3 additional minutes.

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

Mr. JAVITS. In my view, it is only a voluntary agreement which can both end a strike and also resolve the underlying controversy. It is for this reason that I believe the process of recommendations by a factfinding board appointed by the President, with a standstill period during

which these recommendations must be considered, is the best plan. The element of compulsion is not involved except to the extent that public opinion—once advised of what constitutes a fair settlement—is able to bring its weight to bear on both management and labor to see that a settlement is made. When this is coupled with the ultimate right of seizure—insuring that the economy cannot be paralyzed—we have a plan which gives us the maximum protection of the public interest with the minimum interference with the fundamental freedoms of the parties. Under this proposal, the parties are left free to bargain as long as they deem it necessary to reach a freely bargained settlement. If receivership becomes necessary, both parties operate under a disability, for the union forfeits the right to strike, but the employer forfeits possession and operation of his facilities. The Federal Government has suggested what a fair settlement would be, but the parties are free under this procedure—unlike compulsory arbitration—to reject the Government's suggestion and bargain for something else. In short, this proposal produces the maximum protection of the public with the minimum of Government decision-making.

The proposal made here is in no way inconsistent with the efforts of New York's Mayor Lindsay, nor the efforts of other city and State officials, to develop better procedures to protect the public interest in labor disputes involving public employees. The procedures I propose would become operative only in the event that local procedures fail and the public health or safety is imperiled. But it is clear beyond question that when New York's mayor turned to Washington for help in the recent transit strike, the administration had no procedure it could invoke under the law.

In my view, we simply cannot afford to continue to contemplate major labor disputes which can jeopardize or threaten to jeopardize the public health and safety, without adequate statutory tools to protect the public interest.

I have urged the administration over and over again to support new legislation in this field. Last fall, at the height of the steel labor crisis, I sent a telegram to the President urging the administration to call for the enactment of new legislation to protect the public interest in such labor disputes.

But after the President succeeded in settling the steel crisis "at the 1-foot line" by the sheer weight of his personal prestige, I received a reply from the Secretary of Labor which denied any need for any new emergency strike legislation, stating:

> The resulting settlement has obviated the necessity for immediate consideration by Congress of legislative action as recommended in your telegram to the President.

I was dismayed by that response, for to say that the need for legislation ends when each labor crisis ends is to make adequate legislation unattainable.

I was therefore delighted to learn of the administration's change of position, as reflected in the President's state of the Union message, and I look forward to having the opportunity to evaluate the administration's specific proposals, as well as those I have just recommended, in the light of committee hearings on these measures which should, and hopefully will, be held without delay, so that we may expeditiously exact legislation which will insure, once and for all, that the public will not again stand helpless in the face of a paralyzing labor controversy.

Mr. President, I make this statement in introducing the bill for the appropriate committee which deals with labor in Congress, and I ask unanimous consent that the text of this bill be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2797) to amend the Labor-Management Relations Act, 1947, and the Railway Labor Act with respect to emergency labor disputes, 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:

S. 2797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Emergency Labor Disputes Act of 1966".

SEC. 2. Section 206 of the Labor-Management Relations Act, 1947, as amended, is amended to read as follows:

"SEC. 206. (a) Whenever in the opinion of the President of the United States, after consultation with the Director, a threatened or actual strike or lockout or other labor dispute in an industry affecting commerce may, if permitted to occur or to continue, imperil the health or safety of the Nation or a substantial part of the population or territory thereof, he may appoint a board of inquiry to inquire into the issues involved in the dispute and to make a written report to him within such time as he shall prescribe. Such report shall include a statement of the facts with respect to the dispute, including each party's statement of its own position, and shall, if the President so directs at any time, make recommendations in such report or in a supplemental report for the settlement of some or all of the issues in dispute. The President shall file a copy of such report with the Service and shall make its contents available to the public.

"(b) Upon receiving a report or a supplemental report from a board of inquiry which contains recommendations for the settlement of some or all of the issues in dispute, the President may direct that for a specified period not to exceed thirty days no change in the conditions out of which the dispute arose shall be made by the parties to the dispute, except by agreement. During such period the parties to the dispute shall be under a duty to bargain collectively with respect to the recommendations for settlement of the board of inquiry, but neither party shall be under a duty to accept in whole or in part any such recommendations."

SEC. 3. (a) Section 208(a)(i) of such Act is amended to read as follows: "(i) is in an industry affecting commerce; and".

(b) Section 208(a)(ii) of such Act is amended by striking out the words "national health or safety" and inserting in lieu thereof the words "health or safety of the Nation or a substantial part of the population or territory thereof".

(c) Section 209(a) of such Act is amended by striking out the words "national health or safety" and inserting in lieu thereof the words "health or safety of the Nation or a substantial part of the population or territory thereof".

(d) Section 209(b) of such Act is amended—

(1) by striking out the words "a sixty-day" and inserting in lieu thereof "an eighty-day"; and

(2) by striking out the last sentence in such section.

(e) Section 210 of such Act is amended—

(1) by striking out the words "certification of the results of such ballot" and inserting in lieu thereof the words "expiration of such eighty-day period"; and

(2) by striking out the words "and the ballot taken by the National Labor Relations Board".

SEC. 4. Such Act is further amended by inserting after section 210 thereof the following new sections:

"SEC. 210A. At any time after receiving a report with respect to a labor dispute from a board of inquiry under section 206(a), the President is authorized to direct the Attorney General to petition any district court of the United States having jurisdiction of the employer, for the appointment of a special receiver to take immediate possession in the name of the United States of any plant, mine, or other facility which is the subject of such labor dispute and to use and operate such plant, mine, or other facility in the interests of the United States, and if the court finds that the exercise of the power and authority provided by this section is necessary to protect the health or safety of the Nation or any substantial part of the population or territory thereof, it shall have jurisdiction to appoint such a special receiver and to make such other orders as may be appropriate: *Provided, however,* That (1) at any time before directing the special receiver to take possession of such plant, mine, or other facility the court may direct the parties to the dispute to make every effort to agree to continue or resume such part of the operations of such plant, mine, or other facility as in the opinion of the court is necessary to protect the health or safety of the Nation or any substantial part of the population or territory thereof, and upon such continuance or resumption of operations may postpone the taking of possession by the special receiver so long as such operations continue; (2) such plant, mine, or other facility shall be operated by the special receiver only to the extent which in the opinion of the court is necessary to protect the health or safety of the Nation or of any substantial part of the population or territory thereof; (3) the possession and operation of such plant, mine, or other facility shall not render inapplicable any State or Federal law concerning health, safety, security, or employment standards, and the special receiver while operating such facility shall comply with such laws as if it were privately operated; (4) the wages, hours, conditions, and other terms of employment effective at the time of taking possession by the special receiver shall be maintained without change, except that the court may, if a board of inquiry appointed under section 206(a) shall have recommended changes in rates of pay, wages, hours, or other conditions of employment, direct the special receiver to make such recommendations effective in whole or in part in any plant, mine, or other facility which is being operated by the special receiver during such period of operation; (5) during the period of such possession by the special receiver and thereafter, the parties shall be encouraged to continue efforts to settle the dispute and the special receiver shall have no authority to negotiate a collective bargaining agreement with respect to rates of pay, wages, hours, or other conditions of employment; and the rates of pay,

wages, hours, or other conditions of employment which have been made effective pursuant to the recommendation of a board of inquiry shall remain in effect for a period of ninety days after the possession or operation of such plant, mine, or other facility has been returned by the special receiver to the owner, unless in the meantime the parties concerned have entered into a collective bargaining agreement with respect to rates of pay, wages, hours, or other conditions of employment; (6) such plant, mine, or other facility shall be returned to the employer as soon as practicable, but in no event later than thirty days, after the restoration of such labor relations in such plant, mine, or other facility that the possession or operation thereof by the special receiver is no longer necessary to insure the operation thereof required for the protection of the health and safety of the Nation or of any substantial part of the population or territory thereof; (7) such plant, mine, or other facility shall be operated by the special receiver for the account of the employer: *Provided further*, That the employer shall have the right to elect, by written notice filed with the court within ten days of such taking of possession, to waive all claims to the proceeds of such operation and to receive in lieu thereof just, fair, and reasonable compensation for the period of such possession and operation by the special receiver, to be paid by the United States as follows: (A) The President shall ascertain the amount of just, fair, and reasonable compensation to be paid as rental for the appropriation and temporary use of such plant, mine, or other facility while in the possession of or operated by the special receiver in the interest of the United States, such determination to be made as of the time of the taking hereunder, and taking into account the existence of the labor dispute which interrupted or threatened to interrupt the operation of such plant, mine, or other facility and the effect of such interruption or threatened interruption upon the value to the employer of the use of such plant, mine, or other facility; (B) if the amount so ascertained is not acceptable to the employer as just, fair, and reasonable compensation for the appropriation and temporary use for the property taken hereunder and as full and complete compensation therefor, the employer shall be paid 75 per centum of such amount and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided for by sections 1357 and 1491 of title 28 of the United States Code to recover such further sums as when added to the amount so paid shall constitute just, fair, and reasonable compensation for the appropriation and temporary use of the property so taken. In the event such notice of election is filed with the court, the special receiver shall pay over to the United States the proceeds of the operations of such plant, mine, or other facility while in his possession.

"SEC. 210B. The provisions of sections 206 to 210A, inclusive, shall not be inapplicable to any threatened or actual strike or lockout or other labor dispute in an industry engaged in transportation, transmission, or communication, because the employer involved in such strike, lockout, or dispute is a State or political subdivision thereof, if such industry is an industry affecting commerce."

SEC. 5. The Railway Labor Act, as amended, is amended by adding after section 10 a new section as follows:

"SEC. 10A. At any time after receiving a report with respect to a labor dispute from a board appointed under section 10, the President is authorized to direct the Attorney General to petition any district court of the United States having jurisdiction of the carrier for the appointment of a special receiver to take immediate possession in the name of the United States of the equipment and facilities of any carrier which is the subject of such dispute and to use and operate such equipment and facilities in the interest of the United States, and if the court finds that the exercise of the power and authority provided by this section is necessary to protect the health or safety of the Nation or of any substantial part of the population or territory thereof it shall have jurisdiction to appoint such a special receiver and to make such other orders as may be appropriate: *Provided, however*, That (1) at any time before directing the special receiver to take possession of such equipment and facilities, the court may direct the parties to the dispute to make every effort to agree to resume such part of the operations of such equipment and facilities as in the opinion of the court is necessary to protect the health or safety of the Nation or of any substantial part of the population or territory thereof, and upon such resumption of operations may postpone the taking of possession by the special receiver so long as such operations continue; (2) such equipment and facilities shall be operated by the special receiver only to the extent which in the opinion of the court is necessary to protect the health and safety of the Nation or of any substantial part of the population or territory thereof; (3) the possession and operation of such equipment and facilities shall not render inapplicable any State or Federal law concerning health, safety, security, or employment standards, and the special receiver while operating such equipment and facilities shall comply with such laws as if they were privately operated; (4) the wages, hours, conditions, and other terms of employment effective at the time of taking possession by the special receiver shall be maintained without change, provided that the court may, if a board appointed under section 10 shall have recommended changes in rates of pay, wages, hours, or other conditions of employment, direct the special receiver to make such recommendations effective in whole or in part with respect to the operation of equipment and facilities which are being operated by the special receiver during such period of operation, except that if no such board shall have been appointed, the President may in his discretion appoint a special board which shall be subject to the provisions of the first two paragraphs of section 10 and shall make such recommendations concerning changes in rates of pay, wages, hours, and other conditions of employment for the period of operation by the special receiver as it may deem appropriate and which the court may direct the special receiver to make effective in whole or in part with respect to the operation of any equipment or facilities which are being operated by the special receiver during such period of operation; (5) during the period of such possession by the special receiver and thereafter, the parties shall be encouraged to continue efforts to settle the dispute, and the special receiver shall have no authority to negotiate a collective bargaining agreement with respect to rates of pay, rules, or working conditions; and the rates of pay, rules, or working conditions which have been made effective pursuant to the recommendation of said board appointed under section 10 or said special board shall remain in effect for a period of ninety days after the possession or operation of such equipment and facilities has been returned by the special receiver to the owner, unless in the meantime the parties concerned have entered into a collective bargaining agreement with respect to rates of pay, rules, or working conditions, it being understood that in such negotiations between the parties concerned, involving proposals theretofore contained in any prior notices served pursuant to section 6 of this Act which resulted in the dispute, the parties shall be deemed to have complied with and have exhausted the procedures of the Act; (6) such equipment and facilities shall be returned to the carrier as soon as practicable, but in no event later than thirty days after the restoration of such labor relations between such carrier and its employees that the possession or operation thereof by the special receiver is no longer necessary to insure the operation thereof required for the protection and preservation of the health and safety of the Nation or of any substantial part of the population or territory thereof; (7) such equipment and facilities shall be operated by the special receiver for the account of the carrier: *Provided further*, That the carrier shall have the right to elect, by written notice filed with the court within ten days of such taking of possession, to waive all claims to the proceeds of such operation and to receive in lieu thereof just, fair, and reasonable compensation for the period of such possession and operation by the special receiver, to be paid by the United States as follows: (A) The President shall ascertain the amount of just, fair, and reasonable compensation to be paid as rental for the appropriation and temporary use of such equipment and facilities while in the possession of or operated by the special receiver in the interest of the United States, such determination to be made as of the time of the taking hereunder, and taking into account the existence of the labor dispute which interrupted or threatened to interrupt the operation of such equipment and facilities and the effect of such interruption or threatened interruption upon the value to the carrier of the use of such facilities; (B) if the amount so ascertained is not acceptable to the carrier as just, fair, and reasonable compensation for the appropriation and temporary use of the property taken hereunder and as full and complete compensation therefor, the carrier shall be paid 75 per centum of such amount and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided for by sections 1357 and 1491 of title 28 of the United States Code to recover such further sums as when added to the amount so paid shall constitute just, fair, and reasonable compensation for the appropriation and temporary use of the property so taken. In the event such notice of election is filed with the court, the special receiver shall pay over to the United States the proceeds of the operations of such equipment and facilities while in his possession."

THE LIBRARY SERVICES AND CONSTRUCTION ACT

Mr. McGOVERN. Mr. President, the Library Services and Construction Act is scheduled to expire on June 30 of this year. This important legislation has made possible a considerable growth and improvement in the library programs and services in my State. Because of it, many South Dakotans now have access for the first time to library resources. This program has awakened in communities an interest and a recognition of the great educational value of good public library services.

I was most pleased when 2 years ago this legislation was amended to include construction funds.

In view of the urgent national need for construction of library facilities, we must act now to insure the continuance and expansion of this fine program. We must act now to insure that our public libraries can continue to provide their

essential educational services to increasing numbers of American citizens. We must act now to insure that those communities in our various States which are currently planning for better library programs and facilities will be able to receive the financial support so necessary to them.

Therefore, Mr. President, I introduce today proposed legislation which will not only continue this program but will authorize its expansion to meet the obvious needs. This legislation would authorize grants to the States for library services under title I: $60 million for the fiscal year 1967; $80 million for fiscal year 1968; $100 million for fiscal year 1969; $120 million for fiscal year 1970; and $150 million for each fiscal year thereafter.

This bill would authorize under title II grants to the States for the purpose of constructing library facilities in the amount of $75 million for fiscal year 1967; $100 million for fiscal year 1968; $125 million for each of the fiscal years 1969 and 1970; and $100 million for fiscal year 1971, in a 5-year construction program.

In light of the fact that 15 million people in the United States still have no public library service and 100 million more are provided library services far below their actual needs, these amounts are modest enough.

The measure which I introduce would add a new title to authorize grants to State library agencies in a 5-year program to develop cooperative library services and joint use of facilities which would involve public libraries, school libraries, higher education libraries, and research libraries in the States. Authorizations for this new title would amount to $5 million for fiscal year 1967; $7.5 million for fiscal year 1968; $10 million for fiscal year 1969; $12.5 million for fiscal year 1970; and $15 million for fiscal year 1971.

The concept of cooperative library services is based on the recognition that every person in the United States should have available to him, no matter where he is, library collections and services of high quality. In recognition of the differing needs of every individual, title III of this bill offers States the financial help in initiating the procedures to adapt library systems to better serve people. Cooperative techniques will enable the States to take advantage of the broadest possible use of library resources.

The distinguished Representative from Kentucky [Mr. PERKINS] recently introduced similar legislation in the other body. It is my earnest hope that both Houses will take action at an early date to extend the Library Services and Construction Act.

Mr. President, I ask unanimous consent that the text of the bill I have introduced be printed in the RECORD at this point.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2802) to extend and amend the Library Services and Construction Act, introduced by Mr. MCGOVERN, 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:

S. 2802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Library Services and Construction Act Amendments of 1966".

SEC. 2. Section 2(a) of the Library Services and Construction Act is amended by inserting before the period at the end thereof the following: ", and to promote interlibrary cooperation".

SEC. 3. Section 101(a) of the Library Services and Construction Act is amended by striking out "June 30, 1957, and for each of the next six fiscal years the sum of $7,500,000, for the fiscal year ending June 30, 1964, the sum of $25,000,000, and for each of the next two fiscal years such sums as the Congress may determine," and inserting in lieu thereof the following: "June 30, 1967, $60,000,000; for the fiscal year ending June 30, 1968, $80,000,000; for the fiscal year ending June 30, 1969, $100,000,000; for the fiscal year ending June 30, 1970, $120,000,000; and for the fiscal year ending June 30, 1971, and each fiscal year thereafter, $150,000,000,".

SEC. 4. Section 102 of the Library Services and Construction Act is amended by striking out the last sentence thereof.

SEC. 5. Section 103(a) of the Library Services and Construction Act is amended by striking out "and" at the end of paragraph (4), by redesignating paragraph (5) as paragraph (6), and by inserting after paragraph (4) the following new paragraph:

"(5) provide assurances satisfactory to the Commissioner that expenditures made for library services in the State in any fiscal year from funds derived from the State will not be less than such expenditures in the preceding fiscal year, and that no funds will be provided for library services to any local library or library system under the plan for any fiscal year if the State library administrative agency determines that the amount expended, or to be expended, for such library or library system during a fiscal year from funds derived from local sources is less than such expenditures in the preceding fiscal year; and".

SEC. 6. (a) Section 104(a) of the Library Services and Construction Act is amended by striking out "1963" both times it appears and inserting in lieu thereof "1966", and by striking out "section 203" and inserting in lieu thereof "section 103".

(b) Section 104(b) of such Act is amended to read as follows:

"(b) The Commissioner shall from time to time estimate the amount to which each State will be entitled under subsection (a) and the amount so estimated shall be paid in installments in advance or by way of reimbursement, after necessary adjustment on account of any previously made overpayment or underpayment."

(c) Section 104(d) of such Act is amended by striking out "(1)", by striking out "to be effective until July 1, 1957", and by striking out paragraph (2) of such subsection.

SEC. 7. Section 201 of the Library Services and Construction Act is amended by striking out "June 30, 1964, the sum of $20,000,000 and for each of the next two fiscal years such sums as the Congress may determine," and inserting in lieu thereof "June 30, 1967, $75,000,0000; for the fiscal year ending June 30, 1968, $100,000,000; for each of the fiscal years ending June 30, 1969, and June 30, 1970, $125,000,000; and for the fiscal year ending June 30, 1971, $100,000,000,".

SEC. 8. Section 202 of the Library Services and Construction Act is amended by striking out "(but only in the case of a State allotment for the fiscal year ending June 30, 1964)".

SEC. 9. (a) Section 204(a) of the Library Services and Construction Act is amended by adding at the end thereof the following new sentence: "From such allotment, there shall also be paid to each State for each such period the Federal share of the total of the sums expended by the State and its political subdivision during such period for administration of the plan of such States approved under section 203."

(b) Section 204(b) of such Act is amended by inserting after "in such installments" the following: "in advance or by way of reimbursement".

SEC. 10. The Library Services and Construction Act is amended by inserting after title II the following new title:

"TITLE III—INTERLIBRARY COOPERATION

"Authorization of appropriations

"SEC. 301. There are authorized to be appropriated for the fiscal year ending June 30, 1967, the sum of $5,000,000; for the fiscal year ending June 30, 1968, $7,500,000; for the fiscal year ending June 30, 1969, $10,000,000; for the fiscal year ending June 30, 1970, $12,500,000; and for the fiscal year ending June 30, 1971, $15,000,000; which shall be used for making payments to States which have submitted and had approved by the Commissioner State plans for establishing and maintaining local, interlocal, regional, State, or interstate, cooperative networks of libraries.

"Allotments

"SEC. 302. From the sums appropriated pursuant to section 301 for each fiscal year the Commissioner shall allot $10,000 each to Guam, American Samoa, and the Virgin Islands, and $40,000 to each of the other States, and shall allot to each State such part of the remainder of such sums as the population of the State bears to the population of the United States according to the most recent decennial census.

"Payments to States

"SEC. 303. (a) From the allotments available therefor under section 302, the Secretary of the Treasury shall from time to time pay to each State which has a plan approved under section 304 an amount, computed as provided in subsection (b) of this section, equal to the Federal share of the total sums expended by the State and its political subdivisions under such plan.

"(b) For the purposes of this section the Federal share for any State shall be 50 per centum of the sums expended under the plan: *Provided,* That the Federal share for the fiscal year ending June 30, 1967, shall be 100 per centum.

"State plans for interlibrary cooperation

"SEC. 304. (a) To be approved for purposes of this title a State plan for interlibrary cooperation must—

"(1) meet the requirements of paragraphs (1), (2), (4), and (5) of section 103(a);

"(2) provide policies and objectives for the systematic and effective coordination of the resources of school, public, academic, and special libraries and special information centers for improved services of a supplementary nature to the special clienteles served by each type of library or center;

"(3) provide appropriate allocation by participating agencies of the total costs of the system;

"(4) provide assurance that every local or other public agency in the State is accorded an opportunity to participate in the system;

"(5) provide criteria which the State agency shall use in evaluating applications for funds under this title and in assigning priority to project proposals; and

"(6) establish a statewide council which should be broadly representative of professional library interests and of library users which shall act in an advisory capacity to the State agency.

"(b) The Commissioner shall approve any State plan which meets the conditions specified in subsection (a) of this section."

SEC. 11. (a) Title III of the Library Services and Construction Act is hereby redesignated as title IV.

(b) Sections 301 through 304 of the Library Services and Construction Act are hereby redesignated as sections 401 through 404.

(c) Section 402(d)(2) of such Act (as so designated by subsection (b)) is amended by striking out "or title II" and inserting in lieu thereof "title II or title III".

(d) Section 403 of such Act (as so designated by subsection (b)) is amended by striking out "or 202" and inserting in lieu thereof ", 202, or 302", by striking out "and section 203" and inserting in lieu thereof "203, and 303" and by striking out "or 202" and inserting in lieu thereof ", 202, or 302", by striking out "or 203", and inserting in lieu thereof ", 203, or 303,", by striking out "or 201" and inserting in lieu thereof ", 201, or 301", and by striking out "and 202" and inserting in lieu thereof ", 202, and 302".

(e) Section 404 of such Act (as so designated by subsection (b)) is amended by adding at the end thereof the following new subsection:

"(f) The term, 'interlibrary cooperation', means the establishment and operation of systems or networks of libraries, including State libraries, school libraries, college and university libraries, public libraries, and special libraries, working together to provide more effective and more economical services to all library users. Such systems may be designed to serve a community, a metropolitan area, a region within a State, or may serve a statewide or multistate area."

STANDBY ELECTRIC POWER FOR HOSPITALS

Mr. WILLIAMS of New Jersey. Mr. President, the great power failure which darkened the Northeastern States last fall made dramatically clear the fallibility of the interconnecting power grid systems we had thought were infallible. Unexpected and defying the predictions of experts, the failure of the grid system found many vital services unprepared to cope with the sudden loss of all electric power.

As a member of the Health Subcommittee of the Labor and Public Welfare Committee, I was particularly concerned with the ability of the hospitals, whose lifesaving services and equipment depend on electricity, to deal with a power loss. While the man in the street can light a candle or buy a flashlight and endure the inconvenience, a power loss in hospitals can jeopardize an operation, shut down equipment vital to a life, or endanger supplies of drugs and blood which must be kept under refrigeration. The hospitals of the Northeast responded magnificently to the blackout but often by makeshifts and hurried improvisation. There were no reported deaths as a result of the blackout; this is a tribute to the skill and ingenuity of doctors and hospital staffs. But I do not believe that we can run this risk again or ask surgeons to operate by battery-powered emergency lights or hospital administrators to keep vital services in operation by the use of hastily rigged portable generators borrowed from the local police or fire departments. Every modern hospital should have a standby system which would automatically provide adequate and instantaneous power in case of a power failure. This was one of the recommendations made by the Federal Power Commission in its report to the President on the Northeast power failure, and I agree with it. In commenting on proposals for assistance to hospitals for "emergency power systems, hospitals," the Journal of the American Hospital Association, had this to say:

> Despite initial reports that hospitals in the blackout area generally were equipped to maintain services, later and more comprehensive investigations showed inadequate hospital standby power.

We have seen that great power failures can occur despite the foresight of engineers and the safeguards of human invention. Now is the time to make sure that our hospitals are adequately prepared to handle an emergency power failure.

Therefore, I am introducing, for appropriate reference, an amendment to the Hill-Burton program to establish a 3-year program of grants and loans to hospitals for the construction and improvement of standby electrical systems. This amendment to title VI of the Public Health Service Act would authorize the Surgeon General to make loans or grants totaling up to 75 percent of the construction cost of these systems to public or private nonprofit hospitals. The Surgeon General would be empowered to establish standards for emergency electrical systems for various classes of hospitals and would have to have assurance that there was adequate local financial support available for the completion of the construction of the system, and for its operation and maintenance once built. The cost of the loan would be one-fourth of 1 percent above the average borrowing cost of the Government. Applicants could receive a grant, a loan, or a combination of both up to 75 percent of the cost. A total of $30 million would be authorized to carry out this 3-year program: $5 million the first year, $10 million the second, and $15 million the third.

Mr. President, there is a clear need for this short-term program of aid to hospitals. According to estimates of the American Hospital Association, 25 percent of the Nation's hospitals do not have auxiliary generators or other satisfactory standby power supplies and another 25 percent have emergency power supplies which are inadequate. Thus, 50 percent of our hospitals are ill prepared to respond to massive power failures. This estimate has been confirmed by figures I have received from the Public Health Service. According to the Public Health Service, 1,977 or 37 percent of our hospitals require major improvements in their standby power systems and 1,242 or 24 percent need complete new systems.

It has been estimated by the Public Health Service that it would cost approximately $63 million to provide these hospitals with adequate standby power systems. This figure includes an estimate of $21.7 million to make substandard systems satisfactory sources of power and $41 million for the construction of new power systems. The bill I am introducing contains a 3-year authorization of $30 million by which the Federal Government could meet half the estimated total cost of giving the Nation's hospitals self-sufficient power supplies.

The Hill-Burton program has done a tremendous job in creating a hospital system second to none in the world. As we seek ways to improve our existing hospital system, I believe prompt attention should be given to a problem which can be quickly corrected at relatively small cost. The Northeast power blackout revealed one weakness in our hospital system; it can and should be corrected before a natural or manmade disaster again plunges a large section of the country into darkness. We can profit from the lessons learned last year by making sure that every hospital has the financial resources available to acquire a good system of standby power fully able to meet emergency needs.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2803) to amend title VI of the Public Health Service Act to establish a program under which assistance may be furnished for the construction of standby electrical systems in existing or proposed hospitals, introduced by Mr. WILLIAMS of New Jersey, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

COMMUTER SERVICE BILLS

Mr. WILLIAMS of New Jersey. Mr. President, for many years now, we have recognized that the Federal Government has a basic involvement in fulfilling this country's transportation needs. In our early days, we were concerned with building long-haul railroads and creating an adequate merchant marine. As our country has gone through different phases of its history, different modes of transportation became increasingly important and made their claims on the Government's help.

Understandably enough, as the United States grew industrially and great metropolitan areas became the commercial and social hub for large masses of people, the problem of urban transportation slowly came to the forefront of our national concern. By the end of World War II, it was becoming obvious to anyone who cared to look, that we were paying a disproportionate amount of money and attention to the private automobile and a multibillion-dollar highway network, and were almost ignoring the question of how to move large numbers of commuters and casual travellers into and out of large urban areas in an orderly, pleasant and economical manner.

Congress first faced up to its responsibilities in this area when, in the 1961 Housing Act, it authorized programs for mass transportation demonstration projects, loans, and planning. This was only a small start, however, and in 1964 we finally succeeded in getting the Mass Transportation Act of 1964 enacted into law. Under this act, $375 million was authorized and $320 million has been appropriated, to revitalize and expand

all types of transit and commuter transportation systems.

However, I think it vital to keep clear in our minds just what major premises underlay the provisions of the act. Basically, the act operated on the theory that "fare box revenues could finance operation." Consequently, the grant provisions were designed to meet the heavy costs of new construction, new equipment, modernization, and the installation of new systems.

For many communities, this was just what the doctor ordered. The Memphis Transit Authority was able to purchase 75 new air-conditioned buses and complete a 3-year-old modernization program. The city of Minneapolis received a grant to develop a planned transitway and pedestrian mall along eight major downtown streets.

But it is essential to remember that the act was aimed at revamping and remodeling transportation systems which were already paying their own way out of the fare box or were receiving sufficient local subsidies to stay in business. Unfortunately, we have been somewhat beguiled by the "folklore of the fare box" and have tended to ignore the disconcerting fact that many public transportation systems—buses, subways, and commuter railroads—are simply not meeting their operational costs and consequently are in no position to take advantage of the capital grants under the Mass Transit Act.

I think that there is no longer any question that provision of adequate transit services has become a legitimate concern of government. Transportation has become as much of an essential public service as police protection or sanitation. Just as we now fully recognize that the local governments of large metropolitan areas have a responsibility for the health and safety of our cities, so we must face hard facts about our responsibilities throughout the whole broad field of commuter transportation.

The recent mass transit tieup in New York City presents a vivid and frightening example of the paralysis caused by a breakdown in transportation facilities: a city is brought to a standstill, incalculable losses are sustained by manufacturers and retailers, millions are kept from their jobs with resulting loss of pay, essential services are stymied, and virtual chaos develops on every alternate artery of transit.

This spectacle should serve as fair warning to all of us. Government is as directly concerned with the maintenance and functioning of an adequate transportation system as it is with maintenance and functioning of the power system which supplies electricity to a city.

In addition to a power failure and a disastrous mass transit labor dispute, the New York metropolitan region may well be on the verge of still another crisis which is merely indicative of that faced in other areas of the country. The commuter problem facing the tristate area of New Jersey, New York, and Connecticut—a problem which has been studied, discussed, analyzed, and argued about for over a decade—merely exemplifies that aspect of the commuter transit problem which we were not yet ready to deal with in the Mass Transit Act, and which is now staring us in the face. Many of the commuter lines—whether publicly owned subways in Boston or New York, privately owned railroads like the New Haven and Reading, or bus systems, simply cannot finance their operations out of the fare box and need immediate and direct cash grants merely to keep their heads above water.

There is no question at this point of the central role which commuter railroad service plays in every major metropolitan region. In a sense, this is a two-way relationship, for not only is the urban industrial complex dependent on those who commute into the city to perform their tasks, but the suburban, exurban, and rural communities which feed their residents into those commuter lines are even more dependent on the financial feedback from the cities.

For example, in my own State, where about 200,000 commuters daily pour into New York, it has been estimated that over $3 billion is generated by this employment for the benefit of New Jerseyites.

The time has now come for drastic action—for enactment of a carefully designed, long-range, commuter-service bill which looks forward to or envisions an eventual solution of the problem rather than the sporadic handouts which transit facilities receive each time they cry poverty and threaten stoppage of service.

For too long we have labored under the comfortable myth that provision of passenger service was strictly the concern of private enterprise and a simple matter of market economics. Because of that comforting myth—which enabled us to avoid an early and honest appraisal of the problem—we ignored the danger signals which have been sent up over the years.

For example, even though private companies did a superb job—often with generous Government contributions—of building and running a network of railroads linking every corner of our country, the events of the 20th century have drastically altered their ability to handle present needs. The reasons for this have by now become obvious to everyone.

First of all, the very nature of commuter service presents difficulties because it serves large masses of riders for only short periods of the workday and the workweek. The inroads made by the automobile and our strangulating highway network have severely curtailed railroad passenger and bus traffic. The high cost of labor and the large capital outlays required for new rolling stock, have also contributed to the woes of buses and railroads and breakdown of commuter service.

The railroads have made clear their present inability to operate their commuter operations on anything approaching a fiscally sound basis. The Erie-Lackawannna, the major commuter railroad for New Jerseyites, has estimated its losses at $63 million in the past decade and $8.2 million—before State subsidies—last year alone; the Jersey Central claims it has incurred deficits of $60 million in the past 10 years, and $6.5 million—before State subsidies—during 1964. The Regional Plan Association calculates the operating loss on all commuter operations in the metropolitan region at about $25 to $30 million annually.

Obviously, these losses cannot continue. Whether all possible efforts have been made over the years by railroad management to avoid them or to forestall them, is no longer the issue. At this time we must simply face the unpleasant facts of commuter life. The Erie-Lackawanna is reported to be preparing its application to the Interstate Commerce Commission to abandon service; the New Haven has been in bankruptcy for years; the Long Island Railroad has been virtually operated by the State of New York for over a decade.

Let me make one thing clear: I have talked in detailed terms of the problems in New Jersey and the entire New York region, but that is because, naturally, I know this area most intimately, and it is of most direct concern to me. However, the problems of this region of 17 million people are merely illustrative of the problems faced by failing commuter systems all over the country. Whether you look at the Boston area with its subway and Boston & Maine difficulties, or the current dispute right here in Washington, D.C., over a reasonable fare to be charged on the bus system, or at the remarkable progress made by the Chicago & Northwestern in serving the Chicago suburbs, the basic issue is the same. It is my strong belief that we must now make public our commitment that commuter lines—of all types—will be maintained in order to insure the continuing prosperity and well-being of the millions of people all over the country whose daily routine is so dependent on them.

Having made this policy decision, the question becomes one of how best to act. How are we going to keep these commuter facilities operating? Are we forced to accept the unpleasant notion of State or Federal ownership? I think not. Are we going to continue throwing them the bones of haphazard emergency subsidies and thinly disguised demonstration grants which demonstrate only the inadequacy of the funds granted? To me this is neither the rational nor the economic answer.

I would like to explain to you a program which I think presents an honest and well-thought-out plan for dealing with this situation. I say honest, because I think we must face squarely the financial magnitude of this problem and the funds which are needed to solve it, and we must no longer flinch at the application of some novel approaches which are necessary.

The program is relatively simple and embodies two major ideas: First, we must keep the commuter lines going. The danger on several railroad lines for example, is of immediate curtailment and abandonment or of mergers which will result in eventual abandonment. Consequently, the Federal Government must contribute a certain portion of Federal funds to keep our transit facilities run-

ning. Whether we term these temporary subsidies, interim relief, or grants to defray operating deficits, we must recognize that the first order of business is in the New York region, to transport 77,000 New Jerseyites daily to New York City and to make sure that the other 123,000 commuters from Connecticut and New York also make it to their jobs in the metropolitan region.

The concept of government subsidies for operating losses is hardly a new one. My own State has been paying out between $6 and $7 million a year for the last 6 years to the Erie-Lackawanna, the Jersey Central and the Pennsy. Connecticut has authorized a subsidy of up to $4½ million annually to keep the New Haven in operation. And New York set up a separate corporation, back in 1954, to run the Long Island Railroad rather than let it go out of service. New York City and Chicago have long realized the necessity of subsidizing their public transportation systems, and the Philadelphia area has established a transportation authority which is in the process of doing the same thing. In short, whatever long-term arrangements we make for the prosperity of commuter buses, subways, and railroads, our short-term problem is one of their continued existence, and for this the lines must have help to meet their day-to-day operating deficits.

The bill I am introducing squarely faces this portion of the problem and provides, on a two-thirds, one-third matching basis, for Federal funds to help defray the out-of-pocket operating losses of any transportation facility which provides commuter services in a metropolitan, urban area.

Second, to merely hand out, year after year, payments to meet deficits, would be throwing good money after bad. There must be a massive effort made to modernize equipment, to purchase great numbers of new cars and buses, to make service more efficient, to cut labor costs where possible, and to institute all possible economies in the running of the lines. Essentially, what is needed is a long-range capital improvement program which, once put into final effect, can either lessen deficits to the minimal level where they can be totally borne by the State or local governments, or can eliminate them entirely.

Under the provisions of the legislation I am introducing today, the Secretary of the Department of Housing and Urban Development would make these grants on a two-third, one-third matching basis, not to the operating applicant itself, but to a public transportation authority which has broad responsibilities for maintenance of commuter transportation. For example, the New York Metropolitan Commuter Transportation Authority, or Connecticut's Public Transportation Authority would be eligible for such aid. The excellent suggestion of Dwight Palmer, New Jersey's experienced and knowledgeable State highway commissioner, that his agency be expanded into a more comprehensive Department of Transportation would probably bring such a department under the provisions of this legislation. On a broader level, the existing Tri-State Transportation Commission could be given the powers and authority to take advantage of such assistance.

The central requirement of this bill is that no grant shall be made unless the public transportation body and the particular applicant to be assisted have submitted a "comprehensive commuter service improvement plan, which sets forth a program, for capital improvements to be undertaken by such railroad for the purpose of providing more efficient, economical, and convenient commuter service in an urban area, and for placing the commuter operations of such railroad on a sound financial basis."

In operation, a State or independent public body with transportation responsibilities, will submit to the new Department of Urban Affairs a complete, long-term program setting out a limited period of time in which its operating deficits must be met and a comprehensive schedule for capital improvements. I am hopeful that in addition to providing the benefits which I have outlined, this legislation will also stimulate creation of the broad regional transportation authorities which have proven so successful in dealing with the complex and interrelated problems of planning transportation for a particular metropolitan region. The Massachusetts Bay Transportation Authority and the newly emerging Southeastern Pennsylvania Transportation Authority are outstanding examples of the successful use of these far-ranging public authorities.

In order to insure, so far as possible, that this will not turn into another never-ending program of Government subsidies, we have written a 10-year limit into the program and have given the Secretary discretion, when necessary, to extend individual grant programs for an additional 5 years.

As a piece of companion legislation, I am also introducing a bill which would forestall the kind of action which the management of certain railroad lines, like the Erie-Lackawanna, is so anxious to take. Instead of allowing abandonment of service on the grounds it currently does, which are mostly financial, the Interstate Commerce Commission must first require that a carrier have made good faith efforts to take full advantage of the provisions of the commuter service bill. In this way, commuter lines will not be allowed to totally abandon their responsibilities to the public without having made the attempt—requiring time and imagination and will—to arrive at sound constructive growth plans which will enable them to get on their feet again. In short, we will give all possible help to keep the railroads in business, but we will not tolerate their just walking out of the picture because that is the simple way out.

Finally, there is the question of a specific dollar figure to be assessed as the cost of this program. Here, confusion abounds, and estimates from even the most reliable parties have varied greatly. Just as an example, the Regional Plan Association in a recent study estimated that the cost of rehabilitating just the commuter railroad system in only one area of the country—the New York metropolitan area—would require roughly a billion dollars over a 10-year period, meaning $100 million a year. In New Jersey alone, it has been estimated by Commissioner Palmer that at least $150 million would be needed, although informed estimates have ranged as high as twice that figure, and those figures do not include the needs of buses and subways necessary to a balanced transportation system. That the total amount of money needed to be spent will be very large is inescapable. But I think one fact will serve as a vivid comparison: in the past decade, over $4 billion has been spent on the highway network encircling the New York region, and this pace for highway spending is expected to continue. I think it is time we started recognizing that comparable expenditures are going to have to be made for commuter and mass transit facilities.

Consequently, I think we would do better, at this juncture, to hold off on any specific price tag for this program. Instead, I would rather wait until we hold the thorough hearings which I know this legislation will entail, and then, during the course of those investigations, arrive at a realistic and practicable cost estimate.

Mr. President, I respectfully request unanimous consent for these bills to lie on the table for 1 week for additional cosponsors and for the RECORD to include the text of the legislation as well as a brief summary of it.

The PRESIDENT pro tempore. The bills will be received and appropriately referred; and, without objection, the bills and summary will be printed in the RECORD, and the bills will lie on the desk, as requested by the Senator from New Jersey.

The bills, introduced by Mr. WILLIAMS of New Jersey, were received, read twice by their titles, appropriately referred, and ordered to be printed in the RECORD, as follows:

To the Committee on Banking and Currency:

"S. 2804

"A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress finds—

"(1) that over 70 per centum of the Nation's population lives in urban areas, and it is anticipated that by 1986 80 per centum of the population will be concentrated in such areas;

"(2) that transportation is the life-blood of an urbanized society and the health and welfare of that society depends upon the provision of efficient, economical, and convenient transportation;

"(3) that for many years the mass transportation industry served capably and profitably the transportation needs of the urban areas of the country;

"(4) that in recent years the maintenance of even minimal commuter service in urban areas has become so financially burdensome as to threaten the continuation of this vital service;

"(5) that some mass transportation companies are now engaged in developing preliminary plans for, or are actually carrying

out, comprehensive projects to revitalize their commuter operations; and

"(6) that immediate substantial Federal assistance is needed on an interim basis to enable many mass transportation companies to continue to provide vital commuter service during the period required to overhaul and revitalize commuter operations and to place such operations on a sound financial basis.

"SEC. 2. The first sentence of section 4(b) of the Urban Mass Transportation Act of 1964 is amended to read as follows: 'In addition to amounts heretofore appropriated to finance grants under this Act, there is authorized to be appropriated for that purpose not to exceed $——— for fiscal year 1967; $——— for fiscal year 1968; $——— for fiscal year 1969; and $——— for fiscal year 1970.'

"SEC. 3. The Urban Mass Transportation Act of 1964 is amended by redesignating sections 6, 7, 8, 9, 10, 11, and 12 as sections 7, 8, 9, 10, 11, 12, and 13, respectively, and by adding after section 5 a new section as follows:

"'Interim Assistance To Assure Adequate Commuter Service in Urban Areas

"'SEC. 6. (a) The Secretary is authorized to make grants to any State or local public body or agency thereof to enable such State or public body or agency thereof to assist any mass transportation company which maintains commuter service in an urban area within the jurisdiction of such State or public body or agency thereof to defray operating deficits incurred as the result of providing such service to such areas. The amount of any grant made under this section to any State or local public body or agency thereof to assist any such company shall not exceed two-thirds of the annual net operating deficit of such company as certified by such State or public body or agency thereof and approved by the Secretary. No grant shall be provided under this section to any State or local public body or agency thereof to assist any mass transportation company unless such State or public body or agency thereof and such company have jointly submitted to the Secretary a comprehensive commuter service improvement plan which is approved by him and which sets forth a program, meeting criteria established by the Secretary, for capital improvements to be undertaken by such company for the purpose of providing more efficient, economical, and convenient commuter service in an urban area, and for placing the commuter operations of such company on a sound financial basis. No mass transportation company shall be eligible to receive assistance provided under this section for a period in excess of ten years, except that the Secretary may authorize such assistance for an additional period, not exceeding five years, if he determines that an extension is necessary in order to enable such company to carry out its commuter service improvement plan.

"'(b) Assistance provided under this section shall to the greatest extent practicable be coordinated with other assistance provided under this Act.'

"SEC. 4. The first sentence of section 7(b) of the Urban Mass Transportation Act of 1964 (as redesignated by section 3 of this Act) is amended to read as follows: 'In addition to amounts heretofore made available to finance projects under this section, the Administrator may make available for that purpose from the mass transportation grant authorization provided in section 4(b) not to exceed $———, which limit shall be increased to $——— on July 1, 1967, to $——— on July 1, 1968, and to $——— on July 1, 1969.'

"SEC. 5. Section 10(c) of the Urban Mass Transportation Act of 1964 (as redesignated by section 3 of this Act) is amended—

"(1) by striking out the semicolon at the end of clause (3) and inserting in lieu thereof ', and the term "Secretary" means the Secretary of Housing and Urban Development;';

"(2) by striking out 'and' at the end of clause (4);

"(3) by striking out 'serving the general public' in clause (5) and inserting in lieu thereof 'serving commuters and others', and by striking out the period at the end of such clause and inserting in lieu thereof the following: '; and the term "mass transportation company" means any private company or public authority or agency providing mass transportation services; and'; and

"(4) by adding at the end thereof a new clause as follows:

"'(6) the term "annual net operating deficit" means that part of the annual operating costs of a mass transportation company which could reasonably have been avoided by the elimination of commuter service in an urban area, less the annual revenues derived by such company from the provision of such services.'

"SEC. 6. Section 13 of the Urban Mass Transportation Act of 1964 (as redesignated by section 3 of this Act) is amended by striking out 'section 7(b)' and inserting in lieu thereof 'section 8(b)'."

To the Committee on Commerce:

"S. 2805

"A bill to amend section 13a of the Interstate Commerce Act, relating to the discontinuance or change of certain operations or services of common carriers by rail, in order to require the Interstate Commerce Commission to give full consideration to all financial assistance available before permitting any such discontinuance or change

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13a(1) of the Interstate Commerce Act (49 U.S.C. 13a(1)) is amended by inserting after 'If, after hearing in such investigation,' the following: 'including full consideration of any financial assistance available pursuant to the Urban Mass Transportation Act of 1964 or any other law for the purpose of continuing such operation or service and the efforts of such carrier or carriers to obtain such assistance,'.

"SEC. 2. Section 13a(2) of the Interstate Commerce Act (49 U.S.C. 13a(2)) is amended by inserting after 'The Commission may grant such authority only after full hearing' a comma and the following: 'including full consideration of any financial assistance available pursuant to the Urban Mass Transportation Act of 1964 or any other law for the purpose of continuing such operation or service and the efforts of such carrier or carriers to obtain such assistance,'."

The summary presented by Mr. WILLIAMS of New Jersey is as follows:

SUMMARY OF COMMUTER SERVICE BILLS

1. The proposed legislation will amend the Mass Transportation Act in the following manner:

(a) The Secretary of Housing and Urban Development will be authorized to make grants to any State or local public body or agency thereof in an urban area to help meet up to two-thirds of the operating deficits incurred by railroads, subways, buses or any other mass transit facility which is supplying commuter services.

(b) Grants for operating subsidies will be given only to implement a comprehensive, long-range financial program, jointly submitted by the local public body and the applicant to be assisted. This program shall fully outline current operations (including a schedule of Federal contributions to the operating deficit) and a long-term capital improvement program which will be undertaken by the applicant in order to provide more efficient, economical, and convenient commuter service and to place the applicant's commuter operations on a sound financial basis.

(c) The Secretary will be authorized to make grants to any State or local public body or agency thereof to assist in the acquisition, construction, and improvement of facilities and equipment of railroads, subways, buses, or any other mass transit facility which is supplying commuter services. This provision clarifies the capital grant portions of the present Mass Transit Act by clearly extending its provisions to commuter railroads as well as more traditional mass transit facilities such as subways and buses.

(d) The assistance provided under both the operating subsidy and the capital grant provisions of the Mass Transit Act shall be extended for only 10 years. The Secretary shall have discretion to extend the program for an additional 5 years if necessary.

2. The proposed legislation will also amend both the interstate and intrastate provisions of the Interstate Commerce Act by requiring that the Interstate Commerce Commission fully consider, in any application for discontinuance or abandonment of commuter operations, whether the applicant made good faith efforts to place its commuter operations on a financially stable basis by utilizing the assistance provisions of the Mass Transit Act of 1964, as amended.

TERMINATION OF CREDIT FOR INVESTMENT IN DEPRECIABLE PROPERTY

Mr. GORE. Mr. President, I am today introducing a bill to repeal the 7-percent investment credit which was incorporated into the Internal Revenue Code in 1962. Under conditions now existing, additional revenues must be raised. The President has made certain recommendations in this regard, but in my opinion, he has neither started at the right place nor gone far enough as I shall soon demonstrate.

Because of the big tax cut of 1964, and because of the high cost of the war in Vietnam, we are now confronted with the prospect of large and continuing deficits. The President has recognized this fact, although he seems to minimize both the extent and the seriousness of the situation. His budget figures for fiscal year 1967 are highly tentative and, in my view, quite low on the expenditure side.

A large supplemental bill for additional expenditures in Vietnam is now before us, and it is likely that the deficit for fiscal year 1966 may reach a level much higher than the presently estimated $6 to $7 billion. The deficit for fiscal year 1967 is almost certain to be higher than the $1.8 billion figure used by President Johnson in his state of the Union address. The Bureau of the Budget engaged in quite a bit of fancy figuring to arrive at this amount.

The fiscal dilemma in which we find ourselves, under conditions existing today, becomes an acute national economic problem. We are now in danger, if not on the verge, of an inflationary wave. All agree that runaway inflation must be avoided. Thus far, no really effective steps to control inflation have been taken or proposed. Thus far, the threat of inflation has served only to

afford an excuse to run up interest rates and to tighten the supply of money.

The end result of this kind of effort to get out of the fiscal box in which we have placed ourselves will be an acceleration of the trend toward the 1929 pattern of maldistribution of income, national production, and wealth. This trend has been in evidence for some years, having been given a big boost by the Revenue Act of both 1962 and 1964, and by various administrative steps taken with respect to depreciation.

I shall not at this time discuss the Vietnamese war. Whether we like it or not, we are in Vietnam in force, and we are likely to be there for a long time. Our troops have been committed and must be supported. The prosecution of this war will require large sums of money. We may contemplate, then, additional supplementary appropriation requests.

At the same time, we are faced with vast unmet needs here at home. Because our unemployment statistics look better, and because there is generally an ebullient feeling among those elements of our society where public opinion is largely formulated, there is a tendency to forget the problems of education, health, poverty, retraining, community facilities, regional development, mass transit, highway improvement—just to mention a few which remain very much with us.

The solution of these pressing problems requires the expenditure of much money, although I very much fear that it will be these worthwhile programs which will suffer as they are ground between the millstones of the Vietnamese war and too-low governmental revenues. Indeed, vast cutbacks and slowdowns are already underway. Yet if the Federal Government, as the agent for society as a whole, carries out society's obligations to the poor and less fortunate among us, as well as to future generations, domestic expenditures must of necessity be increased, not decreased or held level.

Much of our current short-fall in revenues can be traced to the unwise and inequitable tax cut of 1964. That exercise in fiscal folly lost us some $12 billion per year in revenue we now badly need. The revenues were not only lost, but they were lost in such a way that the higher income groups benefited at the expense of those lower on the economic scale.

Our present predicament could have been foreseen, at least in part, in 1964. Let me suggest, however immodestly, that the Senate was not without forewarning.

In the minority views which I filed to accompany the Finance Committee report on the tax cut bill, H.R. 8363, 88th Congress, I pointed out three specific shortcomings of that legislation:

First. I classified it as "the embodiment of fiscal folly." It is now proven to be just that. I do not hold with the view, now generally discredited as being old fashioned, that the budget must be balanced every year. But I did point out in 1964 that we had already had "3 years of unprecedented prosperity, expansion, and growth," and that nearly all the important economic indicators then pointed upward. I went on to say that we "should not seek deliberately further to increase debt and deficit and to impair, for all foreseeable time, our capacity to meet pressing public problems by a drastic reduction of governmental revenue."

Now, this is exactly what we have done. Regardless of budget juggling, regardless of the numbers game, we are not now able to meet our obligations and commitments without large and, under existing circumstances dangerous, deficits.

The second specific fault I found with the tax cut was that it provided "no solution to our economic or social problems." I pointed out then that the private sector of our economy was prosperous and that most of our unfulfilled needs lay in the public sector: "better housing for low-income groups, better mass transit systems, better educational facilities at all levels, better highways, more and better hospitals and nursing homes, more clean drinking and industrial water."

These needs are still unmet and are becoming daily more critical. Now, with reduced revenues and even greater need for sharply increased expenditures, we find ourselves short of funds.

The third specific fault I found with the bill was the way in which taxes were reduced. As I pointed out in my minority views, "the tax reduction provided by this bill for the already very rich, through both a drastic reduction in high bracket personal income rates and a cut in corporate rates, is unconscionable." It may be recalled that I preferred a reduction of revenues, if the Congress was bent on such an unwise move, by raising the personal exemption rather than by reducing rates for the high brackets.

Pursuing this equity theme, I pointed out that an undesirable result of the tax cut bill would be "to transfer yet another large slice of national production and wealth from those who produce wealth to those who parasitically participate in its enjoyment."

I went on, also, to point out the dangers of inflation and the fact that the threat of inflation would give our money managers the excuse to raise interest rates and restrict the flow of money and credit. As I put it at that time:

> My fear is that, in attempting to guard against monetary inflation, the Federal Reserve Board will raise interest rates and restrict the supply of money so that, having rid our house of the supposed evil spirit of high taxes, we will find it filled with the even more malevolent spirits of high interest rates, tight money, restrictive debt management, and reduced spending.

The reduced spending to which I had reference was the type of cutback we are now facing on badly needed domestic programs of social action.

As a result of all these interacting factors, I pointed out that:

> The reconcentration of wealth directly attributable to the tax cuts as well as indirectly realized from increased interest payments—acting as transfer payments—which will be stepped up by virtue of the built-in deficits created or increased by this bill, poses grave dangers.

Mr. President, the senior Senator from Tennessee was not alone in making a correct analysis of the bill and in accurately foreseeing its adverse effects. Many thoughtful citizens, scholars and economists took a similar view. Still other who knew better, nevertheless, gave rationale to an unsound act.

Mr. President, our situation is now clear. The causes are clear. What, then, is an appropriate solution?

The obvious first step is to increase taxes. The President is to be commended for recognizing this fact, but he must be encouraged to go a little further in some respects—and not so far in others.

The President has proposed to increase revenues by some $3.2 billion in fiscal year 1967 by accelerating the schedule adopted in 1964 for getting the larger corporations on a current payment basis, much as individuals are. This is a one-shot proposition, and merely robs revenues from fiscal years 1968 through 1970. I do not object to this procedure, but its limitations must be understood.

The President has proposed the reinstatement of excise taxes on automobiles and telephone service which were removed effective this year. I oppose this. Instead of relevying excise taxes, we must complete the job of ridding ourselves of these regressive Federal sales taxes. There are many more equitable ways of raising revenue than to lay a tax on rich and poor alike on means of transportation and communication.

The President has proposed graduated withholding tax rates. In principle, I favor this, but it must be fair and equitable. Overwithholding must be kept to a minimum, and I foresee many administrative complications when a salaried executive making $25,000 per year, and having sizable deductions because of, let us say, large interest payments, alimony, or bad debt cancellations, must file under the same rules followed by the man making the same salary but having only standard deductions. This proposal must be examined carefully.

The place to start with increased taxes is not on sales taxes levied on the poor and the rich alike, but to repeal the 7-percent investment credit. This credit is not now needed. It is harmful to the economy. This is an equitable and a proper step to take in the context of our current economy. This would be fairer, and far more beneficial than Federal sales taxes on automobiles and telephone calls.

The House Committee on Ways and Means began hearings yesterday on the President's tax recommendations. I hope action will not be unduly delayed, but, at the same time, the Committee on Finance and the Senate must examine with the greatest care whatever bill the House may pass.

I shall submit for the consideration of the Committee on Finance the proposal to repeal all the investment credit, which was always of questionable validity and which it is certainly unwise to allow to remain in the law now.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2806) to amend the Internal Revenue Code of 1954 to terminate the credit for investment on depreciable property, introduced by Mr. GORE, was received, read twice by its title, and referred to the Committee on Finance.

PROPOSED 4-YEAR TERM FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES

Mr. BAYH. Mr. President, the subject I wish to discuss is of particular relevance because the Senate has received a lengthy and detailed message from the President of the United States suggesting that the Constitution be amended to provide 4-year terms for Members of the House of Representatives.

Mr. President, as chairman of the Subcommittee on Constitutional Amendments of the Judiciary Committee, on behalf of the administration, I send to the desk a Senate joint resolution designed to accomplish this purpose, and I ask that it be appropriately referred.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 126) proposing an amendment to the Constitution of the United States providing that the term of office of Members of the House of Representatives shall be 4 years, introduced by Mr. BAYH (for himself and Mr. METCALF), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. BAYH. Mr. President, the matter to which the joint resolution refers has been the subject of discussion for a number of years. It has just been brought to my attention that the distinguished majority leader on January 29, 1959, introduced a resolution similar to the one which the junior Senator from Indiana has just had the privilege of introducing. A similar resolution was introduced in 1961, by the Senator from New Jersey [Mr. CASE], and in 1963, by the Senator from Montana [Mr. METCALF]. On April 29, 1965, the Senator from Pennsylvania [Mr. CLARK] and the Senator from Montana [Mr. METCALF], joined in introducing Senate Joint Resolution 72, which has been referred to the Subcommittee on Constitutional Amendments.

Let me take a few moments to amplify upon several points in the President's message.

The President, I believe, appropriately points out that there is little magic in the number 2 as far as the length of terms for Members of the House is concerned. The Articles of Confederation provided for Members of the Congress to be elected annually. I believe we are prone to overlook the fact that our first Congress did not provide for 2-year terms in its legislative body.

James Madison, the fourth President of the United States, and one of the founders of the Constitution, supported 3-year terms for Members of the House on the ground that "instability is one of the great vices of our Republic to be remedied."

John Dickinson, of Delaware, who Senators will remember was the only member of the Constitutional Convention to challenge the vague language dealing with Presidential inability, a matter to which Congress gave considerable attention during the last 2 years and which we hope will be remedied by the ratification of the proposed 25th amendment, said:

> The idea of annual elections was borrowed from ancient usage of England, a country much less extensive than ours.

Mr. Dickinson, who also foresaw the inconvenience of biennial elections, favored a 3-year term.

It is important to remember that when our Constitution was framed, and for 126 years thereafter, the Members of the Senate were far removed from the popular will. Until the 17th amendment was ratified in May 1913, Senators were legislative appointees for terms of 6 years. Thus, there was additional reason to keep the terms of Members of the House to a minimum, since the people had practically no personal voice in selecting their Senators.

The President also points out that a number of developments have transpired in the history of the Nation which, it seems to me, provide additional compelling reasons for extending the terms of Members of the House.

First and foremost is the very complexity of the legislation which Congress is asked to consider. As a relatively new Member of this body, it seems to me that the complexity of the issues confronting the Senate has increased in the short period since 1962. Not until I had served in this body for 10 months did I feel sufficiently accustomed to Senate procedures and knowledgeable enough about national issues to make my first major address.

This practice has been traditional in the Senate because it is those who have mastered the rules and procedures of this body and have studied thoroughly the matters under consideration who can make the greatest contributions to its work. Most of us weigh very carefully the moments that are presented to us when we have an opportunity to address the Senate.

It is extremely important to devote all the time necessary to investigate thoroughly public issues. This requires consultation not only with other Senators but also with legal authorities, interest groups and other experts. Still further, consultation is required with members of the executive branch who will be called upon to administer the laws.

I well recall another personal experience, if I may use one—the tragic day on which our great President, John F. Kennedy, was taken from us. At that time I was the chairman of the Subcommittee on Constitutional Amendments of the Committee on the Judiciary, having recently been appointed to that post by the chairman of the committee. The subcommittee immediately began hearings on an amendment to provide for presidential succession. The subcommittee approved a proposal which was then adopted by the full Committee on the Judiciary. Later, the Senate itself passed this proposal. Because of the leadership of our majority leader in the last days of the session, we were finally able to find time to bring the matter before the Senate.

I know very well that if I had been a member of a legislative body with a 2-year term it is highly probable that I would not have been here, and the matter would have had to be deferred. I would in all probability have been out beating the precincts, seeking to be reelected. I do not make light of the necessity to campaign for reelection and to discuss issues of national importance with one's constituents. One of the important aspects of membership in Congress is to maintain communication with the people.

On the other hand, it is extremely important to make it possible for each Member of the House of Representatives to be a more effective legislator. This can be made more probable if they are not called upon to run for office every 2 years.

I shall close by saying that the major goal of the joint resolution is to make Members of the House more effective. As chairman of the Subcommittee on Constitutional Amendments, I believe that we must not necessarily be wedded to any specific language. The language of the joint resolution which has been submitted differs from the language of the proposals of the Senator from Pennsylvania [Mr. CLARK] and the Senator from Montana [Mr. METCALF], both of whom I have consulted on this proposal. In the hearings which will follow on this joint resolution, we hope to draw on their counsel as well as the counsel of the distinguished majority leader, who has also expressed an interest in the subject.

I hope that the Senate will be tolerant and deliberate in its consideration, so that we may adopt a proposal which will be acceptable to both bodies and which will guarantee legislators an opportunity to be more effective. It is with that thought in mind that I suggest that the Senate deliberate this joint resolution.

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

Mr. BAYH. I am glad to yield.

Mr. MANSFIELD. I commend the distinguished Senator from Indiana not only for the way in which he has grasped this presidential proposal, but also for the speed with which he is giving it consideration. I realize, as he does, that it is not merely a question of providing a 4-year term for Members of the House of Representatives; it is a question of how to establish a 4-year term so that there will be a retention of independence on the part of those in Congress who are closest to the people, namely, the Members of the House. That question, among others, will have to be considered. But I remind Senators that the distinguished junior Senator from Indiana did a remarkable job of guiding through the Senate the constitutional amendment which is now before the States. We look forward with anticipation to his doing the same kind of excellent, workmanlike job on this proposal and also on the proposal to reform the electoral college, which will likewise be before us.

We are delighted that he has taken the initiative on the proposal to lengthen the terms of Members of the House and look forward to action by the Senate before too many months have passed.

Mr. BAYH. I thank the distinguished majority leader.

Mr. President, I ask unanimous consent that the joint resolution be printed at the conclusion of my remarks and that it lie over for 1 week, until January 27, to permit other Senators who may desire to do so to join as cosponsors.

I also ask unanimous consent that the name of the distinguished junior Senator from Montana [Mr. METCALF] be included as a cosponsor.

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

The joint resolution (S.J. Res. 126) is as follows:

S.J. RES. 126

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 a part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The terms of Representatives shall be four years and shall commence at noon on the 3d day of January of the year in which the regular term of the President is to begin.

"SEC. 2. No Member of a House of Congress shall be eligible for election as a Member of the other House for a term which is to begin before the expiration of the term of the office held by him unless, at least 30 days prior to such election, he shall have submitted a resignation from such office which shall become effective no later than the beginning of such term.

"SEC. 3. This article shall take effect on January 3, 1973, if it is ratified prior to January 1, 1972; otherwise, it shall take effect on January 3, 1977."

NOTICE OF HEARINGS BEFORE THE POST OFFICE AND CIVIL SERVICE COMMITTEE

Mr. MONRONEY. Mr. President, I wish to announce that public hearings will be held before the Committee on Post Office and Civil Service on Thursday, January 27, 1966, at 10 o'clock in room 6202 of the New Senate Office Building to hear testimony on S. 1995 and H.R. 8030, similar bills, which would provide for the discontinuance of the Postal Savings System. Persons wishing to testify on this legislation may arrange to do so by contacting the committee, telephone 225-5451.

VETERANS OF FOREIGN WARS OPPOSE CUT-RATE GI BILL

Mr. YARBOROUGH. Mr. President, quite often in efforts to get a cold war GI bill enacted for the benefit of our 5 million cold war veterans we have encountered opposition which completely misunderstands the underlying philosophy of the cold war GI bill.

As I have repeated time after time, this is not a bonus bill or a reward for hazardous duty. Those elements of military life are covered by hazardous duty pay and other pay which a military man receives. The cold war GI bill is a bill for readjustment of veterans to civilian life. It is essentially a civilians' bill, but a bill for civilians who have served their country in its Armed Forces. Readjustment to civilian life is needed by every veteran, no matter where or how long he serves in the military service.

A recently proposed bill—the so-called administration GI bill—suffers from this same misconception about readjustment benefits. This was adequately pointed out in a memorandum from the national legislative director of the Veterans of Foreign Wars, Mr. Francis W. Stover, dated January 18, 1966, which I recently received.

Because of the fine and thorough understanding of the Veterans of Foreign Wars of the philosophy of a GI bill, I ask unanimous consent that this forceful and accurate memorandum be printed in the RECORD at this point.

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

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
January 18, 1966.

To: National officers and members of the national legislative committee.

From: Francis W. Stover, director, National Legislative Service.

Subject: Administration cold war GI bill (H.R. 11985)—a cutrate proposal.

For the first time the administration is supporting a cold war GI bill. Being called the administration GI bill is H.R. 11985—cost $100 million. This hodgepodge bill is a hydraheaded proposal. It would scatter the training of cold war veterans by dividing those entitled into two groups. It is a cutrate bill. It is a radical departure from the philosophy of previous GI bills.

Only those who have served in the Armed Forces since October 1, 1963, would be entitled. There are no home or farm loan provisions in the bill. There are no on-the-job or on-the-farm training provisions in the bill. Only institutional-type training would be authorized at or above the high school level.

Two agencies will administer the provisions—VA and HEW.

If the veteran received a badge or medal and has served 2 or more years, or has a service-connected disability, he will be entitled to $130 a month to a maximum of 36 months. An estimated 6,000 veterans would be entitled under this section. This is the VA part of the bill.

If the veteran does not qualify for a medal, he will be entitled to a 1-year scholarship of $800 if he has served at least 2 years. If he served 2 to 3 years, he will be entitled to 18 months; 3 to 4 years, 27 months. If he has served over 4 or more years, he will be entitled to a maximum of 36 months. An estimated 120,000 would be entitled under this section. This is the HEW part of the bill.

The Bureau of the Budget must have had its hand in this proposal. It is another bold attempt to dismember the VA.

Where readjustment of the veteran to civil life was the underlying philosophy on previous GI bills, this one seems to have departed from that philosophy by offering a bonus or reward for having served since October 1, 1963.

Minimum service of 2 years is another defect of the bill, since there will be many with lesser service who will be excluded—including even those who received a medal.

By national mandate, approved at Chicago, VFW is supporting S. 9 and similar proposals which will provide readjustment assistance to all those who have worn the uniform since the end of the Korean conflict and are carrying out American commitments all over the world.

H.R. 11985 should be rejected by the Veterans' Affairs Committee.

FRANCIS W. STOVER,
Director.

Mr. YARBOROUGH. Mr. President, this memorandum shows that under that bill, only 126,000 veterans out of a total of 5 million would be entitled to go to school. It is a bill that would keep the veterans from going to school, instead of sending them to school.

TOLL BRIDGE ACROSS THE RIO GRANDE NEAR PHARR, TEX.

The PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 10779) to authorize the Pharr Municipal Bridge Corp. to construct, maintain, and operate a toll bridge across the Rio Grande near Pharr, Tex., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Messrs. FULBRIGHT, SPARKMAN, MORSE, HICKENLOOPER, and AIKEN conferees on the part of the Senate.

BUDGET CUT IN SCHOOL MILK FUND REDUCES CONSUMPTION BY SCHOOLCHILDREN

Mr. PROXMIRE. Mr. President, once again I rise to discuss the Bureau of the Budget's recent action cutting $3 million from the funds appropriated for the special milk program for schoolchildren. As I have indicated before, this is a phony economy move because milk not used in the school milk program will have to be purchased under our price support laws.

Today, however, I would like to bring to my colleagues' attention a study which indicates that a rise in the cost of milk to the schoolchild will result in a disproportionate drop in consumption. Of course such a price increase may very well result from the $3 million cut, for either the school district or the child will have to take up the slack caused by a withdrawal of Federal support.

I refer specifically to a study conducted by the Department of Agriculture in September 1955, titled "The Effect of School Milk Consumption of a Reduction in Price Charged to Children in Selected Connecticut Schools." This study made an analysis of the relative effects of price reductions of 2 cents per half pint of milk on consumption. It shows that when prices were reduced from 8 cents per half pint to 6 cents per half pint, or 25 percent, consumption rose by 42 percent.

Mr. President, we can safely assume that an increase in price will also have a disproportionate effect on consumption—reducing it substantially. Certainly the poorest children—those who can least afford to purchase milk—will stop drinking it first.

Consequently it seems particularly inappropriate to cut this all-important item at a time when programs such as Project Head Start are emphasizing the need for the round development of our educationally deprived children. In the words of Dr. Julius Richmond, Project Head Start program director, "studies indicate that poor nutrition during early childhood has an effect not only on physical growth but on the mental functioning of the child." The recent cut in the school milk program undoubtedly will contribute substantially to poor nutritional standards.

NOMINATION OF JAMES S. DUESENBERRY TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS

Mr. PROXMIRE. Mr. President, I am honored to have the opportunity to notify the Senate that this morning the Banking and Currency Committee unanimously approved the nomination of James S. Duesenberry to be a member of the Council of Economic Advisers. Mr. Duesenberry is one of the most distinguished economists in the Nation. He is a graduate of Michigan University, with a Ph. D. He has been an instructor at Harvard University and a professor at Harvard University. He has written a number of books on economics; and I can say, having talked with many economists about him, that he is widely recognized as a brilliant, eminent, extremely shrewd and able economist, who will be of great help to the President of the United States and to the Congress in his new position.

I ask unanimous consent to have printed in the RECORD at this point a short biography of Mr. Duesenberry.

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

BIOGRAPHICAL DATA—JAMES S. DUESENBERRY

James S. Duesenberry was born on July 18, 1918, in Princeton, W. Va. He received his education at the University of Michigan, where he earned a bachelor's degree in 1939, a master's in 1941, and Ph. D. in 1948.

During World War II he served as a captain in the U.S. Air Force.

Prior to joining the faculty of Harvard University in 1946, he served as a teaching fellow at the University of Michigan and as an instructor at MIT. He became a full professor at Harvard in 1957, and in 1958–59 held a Ford Foundation research professorship. He has also served as Fulbright research professor at Cambridge University, England.

Professor Duesenberry is the author of a number of well-known books and articles in the field of economics, including "Income, Saving, and the Theory of Consumer Behavior," 1949; "Business Cycles and Economic Growth," 1958; "Money and Credit," 1964.

He has been a consultant for the Committee for Economic Development since 1956, for the Commission on Money and Credit in 1959–61, for the Board of Governors of the Federal Reserve System since 1964, and for the Department of the Treasury and the Council of Economic Advisers since 1961.

He is married to the former Margaret Torbert and is the father of four children. They currently reside at 25 Fairmont Street, Belmont, Mass.

TRIBUTE TO JOSEPH C. DUKE AS SERGEANT AT ARMS

Mr. AIKEN. Mr. President, I ask unanimous consent to have printed in the RECORD, an editorial in the form of a testimonial to Joe Duke, published in a newspaper which he probably never saw, the Montpelier-Barre Times-Argus.

I ask unanimous consent that the editorial may be printed in the body of the RECORD, because it shows that Joe was appreciated far beyond the borders of Washington, D.C.

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

[From the Montpelier-Barre Times-Argus, Jan. 18, 1966]

JOE DUKE RETIRES

The august U.S. Senate took time out the other day (Friday) to pay tribute to a departing friend, Joe Duke of Arizona, who resigned his job as Senate sergeant-at-arms because of his own poor health and that of his wife. It's a different picture than that of Bobby Baker.

Senator AIKEN: "We all regret the departure of Joe Duke * * *."

Senator KUCHEL: "Joe Duke has ministered to the wants and needs of Senators in a superb manner * * *."

Senator SALTONSTALL: "He was always fair, impartial, and helpful to every Member of the Senate no matter on which side of the aisle he sat * * *."

Senator MUNDT: "Joe Duke is the kind of Senate employee of whom every Member can be proud * * *."

Senator MCINTYRE: "Joe has been a friend to all of us and we junior Members of the Senate will never forget his great kindness and useful advice during our early days in these halls."

Senator CHURCH: "I, for one Senator, am much indebted to Joe Duke for the many kindnesses that he extended to me."

Senator MONTOYA: "I have known Joe Duke for 30 years, from the days when he was a Capitol policeman and I was a law student at Georgetown, and I am proud to say that we have been friends all those years. A lot of water has flowed under the bridge since that time, but Joe Duke has remained essentially the man I knew back in the 1930's—warmhearted, generous, intelligent, knowledgeable, efficient, and loyal."

Senator YOUNG of Ohio: "It was a matter of great regret to me when I read that Joseph C. Duke was retiring. For 15 years he has performed outstanding service in that important position. I consider that he is a fine public servant."

The excerpts are from the CONGRESSIONAL RECORD. So little news comes out of Washington in praise of public servants below Cabinet level that this bit seemed refreshing and wholesome, American in a truly fine sense. Somehow, Joe Duke sounds like a pretty good neighbor. We join with the Senators in wishing for him a happy retirement and good health for both him and Mrs. Duke.

THE OPERATIONS OF LYND, APTHEKER, AND HAYDEN

Mr. LAUSCHE. Mr. President, the members of the Foreign Relations Committee of which I am a member should not and I am convinced will not grant the requests contained in the telegrams sent from Hanoi on January 5 and from New York on January 12 by Prof. Staughton Lynd of Yale University, speaking on behalf of himself and the U.S. Communist Party historian, Herbert Aptheker, and Thomas Hayden, the founder of the Students for a Democratic Society, asking for the right to appear before the Foreign Relations Committee and to give testimony and make arguments in behalf of the Communists of North Vietnam and the Ho Chi Minh Communists of South Vietnam.

Lynd, Aptheker, and Hayden are the three men who, several weeks ago, flew to Brussels by commercial airline and then obtained Communist transportation to Hanoi stopping off in Prague, Moscow, and Peiping. In going to Hanoi, they violated the laws of the United States. They are now back in this country and are asking the right to appear before the Committee on Foreign Relations to speak in behalf of the Communist cause of North Vietnam.

The journey was, according to reports, promoted by Herbert Aptheker and had its inception at a Communist-dominated Peace Conference in Helsinki in the summer of 1965.

In a recent issue of Newsweek, these men are described as follows:

They are a motley threesome. Aptheker, 50, is a wheelhorse theoretician who enthusiastically supported Stalin and has for years been the leading party historian. For him the trip is already a triumph, if only by association. Never have such prominent New Leftists so openly associated themselves in a headline-grabbing affair with an old-guard Communist. Hayden's presence has a milder element of surprise; the Michigan University graduate has been concentrating on an SDS poverty project in New Jersey and several months ago told friends that the group he helped found was devoting too much time to Vietnam and too little to organizing the poor.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). The time of the Senator from Ohio has expired.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that I may proceed for 6 more minutes.

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

Mr. JAVITS. Mr. President, may we know how much time the Senator has been allowed?

The PRESIDING OFFICER. Six minutes was granted on request of the Senator from Ohio, there being no objection to the request.

Mr. LAUSCHE. Continuing the description by Newsweek, we now come to Mr. Lynd, the writer of the telegrams:

At 36, Lynd is a true athlete of the left; he hasn't missed a major "cause" in years. After the Kennedy assassination, he wrote a highly involved and much quoted New Republic article casting doubt on Oswald's guilt.

He was one of the chief organizers of the anti-Vietnam war march on Washington, D.C., last April and later wrote that "nothing could have stopped that crowd from taking possession of its Government."

That is, in the midst of the march and also at the end of it, he was convinced they could have taken hold of the Gov-

ernment, and obviously was proud of the position which they achieved.

A further study of the background of these men will strikingly emphasize the grave mistake that would be made by the members of the Foreign Relations Committee in the event these men were honored with the right to appear before the committee.

In September of 1965, at Columbia University in New York City, was held the first annual conference of Socialist Scholars of the United States. Lynd and Aptheker were in attendance and conspicuously vigorous participants. In attendance also was Eugene D. Genovese. Dr. Genovese is the man who, at Rutgers University's "teach-in on Vietnam" on April 23, 1965, made this shocking statement:

> Those of you who know me, know I am a Marxist and a Socialist. Therefore, unlike most of my distinguished colleagues here this morning, I do not fear or regret the impending Vietcong victory in Vietnam. I welcome it.

These are the words of Genovese at that conference of Socialist scholars attended by Aptheker and Lynd.

At this first annual conference of Socialist scholars, one of the topics discussed was "the future of American socialism." The panel discussion leader was Prof. Staughton Lynd of Yale University—one of the persons who unlawfully went to Hanoi and is asking to testify before the Foreign Relations Committee. He has been affiliated with the Socialist Workers Party and American Youth for Democracy, both of which were cited as subversive by a U.S. Attorney General.

Professor Lynd has publicly called for—and mark these words—"civil disobedience so persistent and so massive" that the President, the Secretary of State, the Secretary of Defense, and other high U.S. Government officials would be compelled to resign.

At the Columbia University conference among other things, he put the question: "What is to be done?"

He answered his own question. He further stated that a Socialist scholar should be ready at any moment to put aside his books and devote himself "to the jugular."

Whose jugular, Mr. President? The jugular vein of the United States. That is what he meant. This is the man who is asking for the right to come before the Committee on Foreign Relations and obtain publicity and advocate the cause of the Communists and depreciate the cause of the United States.

To exert revolutionary means Professor Lynd urged: "daring and inventive use of civil disobedience." He further stated:

> I wonder whether every teacher who calls himself a Socialist doesn't have a duty to become a professional revolutionary.

After Lynd got through——

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

Mr. LAUSCHE. Mr. President, I ask unanimous consent to proceed for 5 additional minutes.

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

Mr. LAUSCHE. Dr. Aptheker followed Professor Lynd and began his remarks with the statement:

> Not in 30 years has there been such interest in radicalism as there is today, such a sense of confidence of mass involvement in the radicalization of the United States.

Mr. President, what do these men have in mind? The answer is that their love is for Communist China and North Vietnam, and distrust and hatred for the United States.

Dr. Genovese of Rutgers, who I have previously mentioned, also spoke at this Columbia University meeting. He said that it would be a mistake for Socialist scholars to quit the campus too soon and indulge in active revolutionary activities because their services were needed in the universities.

There was present also a Mr. Sylvester Leaks, of the Harlem Writers Guild. Mr. Leaks made this statement:

> First of all, I am not nonviolent.

He meant by that, I suppose, that he believes in violence. And violence against whom? Against you and me and against the general citizenry of the United States and against the Government of the United States.

He went on to say, "My leader was assassinated."

He was speaking of Malcolm X of the Muhammads.

Then he said:

> I believe that slavery and racism are the sine qua non of American society.

He also urged that the lumpen-proletariat "Should go to war now"; and that the slogan should be, "Burn, Baby, Burn."

At this meeting at Columbia University, Aptheker seemed to have the final word. He took the rostrum and said:

> The problem is how do we move toward radicalization of America.

He answered his own question by saying that there should be a unification and consolidation of all the efforts of the leftwingers.

Now I come to the telegram sent to the Foreign Relations Committee, asking for the right of Aptheker, Lynd, and Hayden to appear before the Foreign Relations Committee members and expound to them the theories hereinbefore set forth in my statement.

I can suffer disagreements with the views that have been expressed by some of my colleagues and by individuals who have written letters to me with the course followed by the President of the United States in Vietnam. However, neither I nor any of the general citizenry, and particularly not the Members of the U.S. Senate, should give tolerance or sufferance to the persons who make statements hoping that the Communists of North Vietnam would be victorious and the United States vanquished in the troubles in our problem in South Vietnam.

These individuals—Aptheker, Lynd, and Hayden—are not promoting the cause of the United States. They are not friends of our country. Nor should they be listened to. Especially should they not be allowed to desecrate the chambers of this Capitol by their advocacy of conquest over our country in favor of communism.

They should not be recognized in their false colors, but their true colors should be revealed, showing their greater sympathy for the cause of our enemies than for the cause of our Nation.

Whether or not these gentlemen committed a crime when they went to Communist Hanoi without first obtaining proper authority from the State Department, I do not know. At least, I am not certain. However, from the statements that have been made, there appears to be a prima facie case of violation of the criminal laws of the United States. Therefore, it seems to me that the Attorney General of the United States should give vigorous attention to ascertaining whether our criminal laws have been violated; and if he finds that to be the fact, appropriate action should be taken against those men in the furtherance of justice.

Mr. President, the quotations which I have used in my talk have been taken primarily from an article from Barron's written by Alice Widener. I want to give her full credit.

I feel certain that the Foreign Relations Committee will not allow Lynd, Aptheker, and Hayden to come before our committee. However, speaking for myself, I would drop my head in shame and I would have hesitancy in looking into the eyes of an Ohioan if I countenanced the presence of those men in the chamber of the Foreign Relations Committee, advocating the cause of communism and deprecating the cause of our own Nation.

I yield the floor. I am grateful to Senators for allowing me to take this time.

VAUGHN TO THE PEACE CORPS

Mr. JAVITS. Mr. President, on January 17, President Johnson announced the appointment of former Assistant Secretary for Inter-American Affairs, Jack Hood Vaughn, as the new Director of the Peace Corps.

I take this opportunity to commend Mr. Vaughn for the outstanding job he has done as Assistant Secretary during a very difficult period in United States-Latin American relations. He brings to his new post a wealth of experience and understanding drawn from an outstanding academic background, a long association with our foreign aid program, as organizer of the Latin American programs for the Peace Corps, as Ambassador to Panama, and as Assistant Secretary for Inter-American Affairs since April 1964.

I know Secretary Vaughn personally and find him to be a dedicated public servant of great ability, charm, and dedication. As Assistant Secretary he worked with great dedication to strengthen American relations with our Latin American neighbors during a very critical period following the eruption of the Dominican crisis, and worked hard to strengthen our common bonds through the Alliance for Progress.

I am pleased that the Peace Corps, such a vital and important element in our foreign relations, will be in the hands of such an effective director.

DEATH OF CHIEF JUSTICE FRANCIS B. CONDON, OF THE SUPREME COURT OF RHODE ISLAND

Mr. PASTORE. Mr. President, on November 23, 1965, Francis B. Condon, Chief Justice of the Supreme Court of the State of Rhode Island passed away.

Frank Condon was a man of the common people with uncommon gifts and tremendous contributions to the betterment of his times.

A jurist of superlative attainments—a public servant whose lifetime encompassed multiple careers, a citizen held in the highest respect, a layman devoted to his faith and honored by that faith, a friend of infinite value—was Frank Condon.

We note his passing in these Halls because he was Congressman Condon of the 71st, 72d, 73d, and 74th Congresses. So—30 years ago—he had already achieved a name and place in history.

Thirty years ago Frank Condon had to make a choice and face a challenge. He was called upon to forsake one career and follow another. He loved the hustings, he relished the halls of legislation, he could have looked forward to future honors without limit on the national scene. He found himself drafted by his native State to return to serve upon that State's supreme court.

Let me note Frank Condon's career to that point—and I take it from our Congressional Directory of the American Congresses.

Francis Bernard Condon, a Representative from Rhode Island, born in Central Falls, Providence County, R.I., November 11, 1891; attended the public schools; was graduated from Central Falls High School in 1910 and from Georgetown University Law School, Washington, D.C., in 1916.

He was admitted to the bar in 1916 and commenced practice in Pawtucket, R.I. During the First World War he served as a sergeant in the 152d Regiment, Depot Brigade, 23d Company from May 1918 to June 1919; he was a member of the State house of representatives 1921–1926, serving as Democratic floor leader 1923–1926; he was a member of the Democratic State Committee 1924–1926 and 1928–1930, serving as a member of the executive committee 1928–1930; he was a candidate for Lieutenant Governor of Rhode Island in 1928; Rhode Island department commander of the American Legion in 1927 and 1928; elected as a Democrat to the 71st Congress to fill a vacancy and at the same time elected to the 72d Congress; reelected to the 73d and 74th Congresses and served from November 4, 1930 until his resignation on January 10, 1935, having been appointed an associate justice of the Rhode Island Supreme Court in which capacity he is now serving.

Now let us pick up the chapter of these 30 years from Justice Condon's biography in the Manual of the General Assembly of the State of Rhode Island:

Francis B. Condon was associate justice of the supreme court from January 1935 to April 28, 1957—acting chief justice of the supreme court from April 28, 1957, to January 7, 1958. Has been chief justice since January 7, 1958, chairman of the Rhode Island Judicial Conference. Member of the American, Rhode Island and Pawtucket Bar Associations and the American Judicature Society.

He received the Georgetown University John Carroll Award 1961; Mount Saint Mary's College (LL.D.) honorary; Providence College (LL.D.) University of Rhode Island (LL.D.). Trustee of the boys club and memorial hospital, Pawtucket; Knight Commander of the Order of St. Gregory the Great with Star by appointment of Pope John XXIII, 1961.

I would add the accolade of his faith, the Catholic Church speaking through the Providence Visitor, the voice of the Diocese of Providence:

Chief Justice Francis B. Condon was one of the State's outstanding laymen. Honored many times, he was a motivating factor in diocesan affairs at the lay level. Long active in annual diocesan Catholic charity fund appeals, he will be remembered for his addresses to the clergy and outstanding businessmen at the kickoff meetings of the campaign drives. He was a former trustee of Holy Trinity Church, Central Falls, a trustee of St. Teresa's Church, Pawtucket.

His affiliations included American Legion, Elks, Knights of Columbus, Ancient Order of Hibernians, National Conference of Chief Justices, the Serra Club of Providence, the Friendly Sons of St. Patrick, and the Sons of Irish Kings.

A son of Dennis Gerald Condon and Rose (Collette) Condon he was married to the former Lillian F. Jordan. Surviving in addition to Mrs. Condon are their children, Francis B. Condon, Jr., and Miss Rae B. Condon, a brother James Condon, two sisters, Miss Mary G. Condon and Mrs. John Quinn, a nephew Edward Condon M. M. and a niece Sister Mary Francis of the American Novitiate of Franciscan Sisters of Mary.

We have the tribute of the Rhode Island Bar Association speaking through its president, William R. Goldberg:

It is with profound sorrow that we note the passing of our fellow member, Chief Justice Francis B. Condon.

From the start his consideration for the lawyers, his keen attention to their arguments, and his incisive questions and logic gained the respect of all. His opinions were written with great care and will serve as a living memorial to him in our jurisprudence for all time.

Upon his elevation in 1958 to Chief Justice of the Court his recognition of the problems of the lawyer whose client pressed him for prompt consideration of his cause, together with his concern for the litigants, brought about an acceleration of the Court's activity to such an extent that with the help of the entire Court as constituted from time to time, the decisions have been handed down at a pace that has been unprecedented in the history of the Court.

He was keenly aware of the problems of the young lawyer and after careful consideration, our Supreme Court amended its rule requiring a 6 months' clerkship by reducing it to 3 months.

His devotion and love for his family was equaled only by his love of country. Judge Condon's views of the sanctity of the home and the rights of the individual are reflected in his opinions time and again.

Not only has his family lost a beloved and devoted father and husband and our State lost a great and wise chief of its judicial branch of the Government but we, members of the bar, have lost a brother devoted to all mankind.

Such has been the life and labors of Frank Condon in the three decades since he served on this Capitol Hill.

There are among us those of his colleagues of that day who carry on to this day. And one can only ponder on the part that the magnificent mind and powerful personality of Frank Condon might still be playing in the drama of our daily labors.

Consider who were his colleagues in the House, and the inspiration they might have given, and taken.

There were LISTER HILL, JOHN MCCLELLAN, EVERETT DIRKSEN, FRANK CARLSON, JOHN MCCORMACK, JOE MARTIN, JENNINGS RANDOLPH, WILLIS ROBERTSON, Steve Young, Sterling Cole, EMANUEL CELLER, James Wadsworth, Jr., Fiorello La Guardia, Sam Rayburn, and Tom Hennings were there. There was Richard M. Kleberg who had for his secretary a young Texan named Lyndon B. Johnson.

Much of this was in my mind as I was invited to participate in a special memorial service on November 29, 1965, in the Supreme Court of Rhode Island and I would conclude with the eulogy I was privileged to express for my dear friend and associate, Justice Condon on that occasion.

EULOGY DELIVERED BY SENATOR JOHN O. PASTORE AT MEMORIAL SERVICES IN TRIBUTE TO CHIEF JUSTICE FRANCIS B. CONDON, IN RHODE ISLAND SUPREME COURT CHAMBERS, MONDAY, NOVEMBER 29, 1965

In this setting we are a little lonely for the personality who lived and labored here for 30 mortal years.

And, with all our faith in immortality, there is a sense of loss, of the victory of the grave, to realize that Francis Condon—to whom this scene meant so much, to whom this scene owed so much—moves among us no more.

Great of mind, great of heart, greatest of soul was this kindly man it was a privilege to know and an honor to call friend.

Chief justice of the State of his total loyalty, Frank Condon could well have worn an equal title of the country that he served so well as citizen, as soldier, and statesman.

For Frank Condon went to Congress schooled with the experience of the Rhode Island General Assembly in historic days. Gifted of speech, skilled parliamentarian, with rare attractions of friendship, he was baptized in an era of evolution on our national scene that will ever bear the name of Franklin Delano Roosevelt. There is no honor or office in the gift of all our people that could not have been his.

In an equal era of evolution on the Rhode Island scene—that will forever bear the label of our beloved Theodore Francis Green and Robert E. Quinn—Frank Condon made the sacrifice of turning his back on the broad page of national history to write the bright page of history which is the record of the Rhode Island Supreme Court in his time.

Only in terms of political opportunity would I say "sacrifice." To Frank Condon it was no sacrifice to come back to this high service to the State of his birth.

He has touched these 30 years with a courageous, correct and courteous application of justice and humanity, unsurpassed in equity and integrity.

No one knows this better than a young prosecuting attorney, no one appreciates it more than a Governor leaning upon him amid the anxieties of office. No one is prouder of it than a Senator who rejoices in his own State's excellence among constitutional equals.

This may be grand language to describe a man whose own language was simple and sincere, whether in his eloquence to an en-

raptured audience or in his quiet encouragement to a friend. A call, a message, a handclasp, a bit of spoken praise from Frank Condon was high satisfaction and inspiration.

The honors that came to him from his church were splendid. The honors that came from his people were sacred. The shadow that falls on his loved ones is our common sorrow.

A great American and a good man leaves us all the heritage of a life lived to its finest.

VIETNAM, PAST AND PROSPECT

Mr. MANSFIELD. Mr. President, in a series of four newspaper articles, Miss Beverly Deepe has recently reviewed the war as it has evolved in Vietnam during the past year. Miss Deepe is eminently qualified by experience to report on this critical area.

Miss Deepe writes from Vietnam, from the delta, from Saigon, from the coastal bases, from the highlands. And the picture which emerges from the four articles is a vivid and accurate summary of the situation which confronts us in Vietnam.

These articles, Mr. President, make highly informative and highly useful reading. For the benefit of the Senate, I ask unanimous consent that the four articles which appeared in the New York Herald Tribune, in the issues of January 16–19 inclusive be included at this point in the RECORD.

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

[From the New York Herald Tribune, Jan. 16, 1966]

NEW SERIES: VIETNAM, PAST AND PROSPECT

(By Beverly Deepe)

PLEIKU, SOUTH VIETNAM.—Amid mortar craters and charred aircraft here on the morning of February 7, 1965, three figures in the war against the Communist in South Vietnam met in a gleaming C–123 transport. Before they emerged, the nature of the war had changed.

One was McGeorge Bundy, special assistant to President Johnson for national security affairs, who took time before the meeting to survey Pleiku's blasted airplanes and helicopters and the billets where shortly before 8 Americans had died and 125 had been wounded in a Vietcong guerrilla raid.

With Mr. Bundy was Gen. William C. Westmoreland, the American commander, who provided the C–123, called the White Whale and the only wall-to-wall carpeted airplane in South Vietnam.

The Vietnamese commander in chief, Lt. Gen. Nguyen Khanh, had arrived earlier. Meanwhile, in Saigon U.S. Ambassador Maxwell D. Taylor conferred by telephone with the highest ranking American officials in Washington.

General Khanh, Mr. Bundy, and General Westmoreland escaped inquisitive reporters inside the White Whale. Soon, the key decision was told to General Khanh and within hours 49 U.S. planes from three 7th Fleet aircraft carriers sped north of the 17th parallel to bomb the military barracks at the North Vietnamese city of Dong Hoi.

At first, the bombing of North Vietnam was a policy of tit for tat—if you destroy our installations, we'll destroy yours. But it soon gave way to general retaliation, and then to regular and continual bombing. In the beginning, the policy was officially proclaimed an inducement to the north to negotiate. High ranking American officials said hopefully: "We'll be at the conference table by September."

But Hanoi did not negotiate. The new official objective was to hit the military installations and the communication routes which allowed Hanoi to pour men and materiel into South Vietnam. By the year's end, however, official estimates said North Vietnamese infiltration had more than doubled—to 2,500 men a month.

Superficially, bombing North Vietnam failed. It did not force Hanoi to negotiate; it did not stop the infiltration. But actually, the policy half succeeded. By the end of the year, the bombing had partially paralyzed the economic capacity and manpower reserves of North Vietnam.

If the bombing did not stop Hanoi's aggression, in official eyes, it would at least make it more expensive and painful for North Vietnam to continue. Escalation was accompanied by a little noticed policy of expansion; Laos was known to be subject to American bombing raids throughout the past year. By the beginning of 1966, the air war threatened to spread to Cambodia, and then would engulf the whole Indochinese Peninsula.

GROUND WAR

The air war over North Vietnam, however, did not abate sharp deterioration in the allied ground efforts in South Vietnam, which had been worsening since the fall of the Ngo Dinh Diem regime in November 1963. The repercussions of the coup against Diem badly damaged the Government's administrative and intelligence apparatuses. Amid Government instability in Saigon swirled whirlwind changes of officials at every level. The strategic hamlet program, formulated and nurtured by the Diem regime, collapsed as the Vietcong regained one Government hamlet after another, leaving behind their own guerrilla bands and political machinery.

With some accuracy the situation in the countryside could be measured by statistics. Before the fall of Diem, the Saigon government claimed control of 8,000 of the 12,000 hamlets in the countryside. By the end of 1965, the most optimistic estimate put the number of "pacified," or pro-government, hamlets at 2,000.

After the fall of Diem, military commanders quickly began to change their "measle" maps. Pink contested areas became red; and white "measle pox"—which once had been government controlled—became contested "pink." By the middle of 1965, government provincial capitals and district headquarters were ringed by small oases of friendly villages, but otherwise were isolated by increasing Red pressure in the countryside. Then, in July 1964, the first North Vietnamese regular troops began appearing. These units, later to be designated as People's Army of North Vietnam (PAVN), solidified the growing Red strength.

By the end of 1965, military spokesmen said nine PAVN regiments had infiltrated from North Vietnam (American, Korean, and Australian ground units by late 1965 numbered 44 battalions—or roughly 15 regiments.)

On March 8, 1965, the first 3,500 U.S. marines came ashore and were welcomed by a bevy of girls.

The American and allied buildup continued throughout the year. It came part of the 3d Marine Division, and later the whole division, a brigade of the 101st Airborne Division, elements of the 1st Marine Division, the Republic of Korea's Tiger Regiment and Marine Division, an Australian regiment, and finally the entire U.S. 1st Cavalry Airmobile Division, with its more than 400 helicopters and 15,000 troops, many of them airborne. By the end of the year, American combat military personnel numbered 130,000. The outlook for 1966; the equivalent of at least 1 division a month for 12 months, or nearly 200,000 more troops.

MARINES

The 1st Marines officially were to provide "local, close-in security" for the Da Nang airbase, but soon they began what U.S. spokesmen called "offensive patrolling for defensive purposes." By mid-July, American troops went into unequivocal full combat with Communist forces for the first time since the Korean war—as the 173d Airborne Brigade went out on a search-and-destroy operation in the Red stronghold known as D-Zone.

With the new employment of ground and air forces, the U.S. role went through gradual metamorphosis. At the end of 1965 America was in a war it barely realized it had entered. The cold war had gone hot in the jungles of the Indochinese Peninsula.

Beyond the ideological conflict, the war dramatized and tested two systems of power. One, the massive physical power of America; the other, the power of the Communists to manipulate the masses, to incite uprisings labeled by the Chinese Communists as the "war of liberation." Washington and Peiping appeared to agree it was the "war of the future."

The essence of the war was described by a 20-year-old American private who saw the buildup in Da Nang:

"I can tell you when Uncle Sam moves in, there's no goofing around," he said. "There was nothing here. Then the Marines moved in and the buildings started going up. We got word an F–100 squadron was moving in here and we had 4 days to fill 200,000 bags of dirt to sandbag mortar defenses. Even the colonels were shoveling dirt.

"Now you can look down this runway and for 2 miles there are American jets wing tip to wing tip," he said. "That's real power."

The private, who had sat 14 hours a day for 13 months in a foxhole at the edge of the Da Nang runway, turned to the other side of the war.

INTELLIGENCE

"'The Vietcong know more about what's happening on this airbase than the base commander and the 20,000 American marines around it," he said. "There are 6,000 workers who come on here daily. We know some of them are Vietcong. If the Vietnamese security officer keeps them off, he and his family will be killed.

"The Vietcong can come on this base right under our noses—we don't know who's who. We saw an old woman carrying a bucket of drain oil into the gate. When we checked her, there was only an inch of oil and the rest of the bucket was a false bottom filled with plastic explosive. We captured one of the workers drawing diagrams of all the defense structures on the base. We captured one of the drivers of an American bus taking down the tail numbers of all the American aircraft on the base," the private went on.

"Once my unit was given 5 hours of leave to go to the commissary. When we returned, more than half of the 100 American foxholes around the base had small paper bags in them. Each bag had a poisonous krait snake in it. Some worker had just walked around and dropped a snake in each foxhole."

This conflict of the two systems of power—the old woman with a bucket of explosive and the double-the-speed-of sound Phantom jets—was the essence of America's inscrutable war, which one Western diplomat described as "the unholy trinity of terrorism, subversion, and guerrilla warfare."

America's inscrutable war in Vietnam had brush-fired into another area of the volatile, underdeveloped, uncommitted third world.

[From the New York Herald Tribune, Jan. 17, 1966]

VIETNAM: PAST AND PROSPECT—SOUTH VIETS IDENTIFY GI'S WITH COLONIALISM

(By Beverly Deepe)

SAIGON.—The buildup of American combat troops in Vietnam during 1965 produced a visible buildup in anti-Americanism among the Vietnamese population.

A significant date between the February 7 bombing of North Vietnam and the March 8 arrival of the first American combat units was the February 20 mutiny against Commander-in-Chief Gen. Nguyen Khanh by his generals. The net effect of General Khanh's overthrow was to fragment the anti-Communist power in Saigon, while the Vietcong had seized partial control of the country at the village level.

As commander in chief, a more important post in wartime than that of Prime Minister, Generan Khanh had dominated the anti-Communist scene—and had been acclaimed by Secretary of Defense Robert S. McNamara as America's strongman for Vietnam. But by late 1964, General Khanh grew bitter toward U.S. Ambassador Maxwell D. Taylor, who demanded political stability, while General Khanh was aspiring to the presidency.

FALSE COUP

Twelve days after the bombing of North Vietnam, a false coup was led by Col. Pham Ngoc Thao, who was openly acknowledged to be associated with the U.S. Central Intelligence Agency. The next day the generals forced General Khanh out of the country. The 600,000-man Vietnamese armed forces were turned over to a weak commander in chief. Finally, the post was abolished, leaving the armed forces virtually leaderless.

Prime Minister Phan Huy Quat ran into trouble. After 3 months in office he called for support from the Vietnamese generals, who promptly tossed him out of office. A Vietnamese military junta again took on the job of governing the country while attempting to defeat an enemy.

Amid instability on the anti-Communist side, the Reds could exploit the first American combat units—who arrived without solid political, economic, or social battle plans. The instincts of the Vietnamese, traditionally xenophobic, were to identify the American troops with the former French colonial masters. Better political and economic preparation of the American troops would have eased the situation considerably.

It was widely known in Saigon that the Vietnamese—including Prime Minister Phan Huy Quat—learned of the date of the arrival of the first marines in March from foreign press announcements made in Saigon and Washington. The Vietnamese feared they might win the war but lose their country. Outbursts from officers, students, and intellectuals charged that "the Americans were running the whole show."

THE DOLLAR

No sooner did the American troops land in the northern provinces than the medium of exchange became the U.S. dollar rather than the piaster. With no restrictions on the amount of available dollars, an American private had purchasing power once held only by Vietnamese generals. Cokes, beers, and wash basins were purchased in villages with nickels, dimes, and quarters. In at least one instance, a Vietnamese village chief, backed up by his popular force platoons, attempted to invade the village of another chief and to seize the villagers' American dollars at an unfair rate of exchange. Six months after the arrival of the first American units, American officials abolished the use of dollars in Vietnam. Replacing them was military scrip, which now has become another "floating currency."

The American troops quickly became the predominant possessors of one of the scarcest items in Vietnam. Women. Few Vietnamese appreciated the loss of their women—or the fact that illiterate females could earn 10 times a man's pay. Gradually, in any city or village bordering American units, drugstores, villas, and furniture stores quickly gave way to bars and brothels.

WAGES

The buildup of American forces also brought demands for more housing, runways, offices, and other facilities. Wages for skilled labor, and cost of building materials and transportation brought inflation. "The Vietnamese economy is in horrific shape. This could ruin the whole campaign against the Vietcong," one Western diplomat said recently.

The Vietcong sabotage of roads had also produced inflation on items such as rice, charcoal, and fish sauce. The American economic mission reacted by importing consumer goods to sop up the excess purchasing power—and financed the emergency import of 250,000 tons of rice. While the Saigon price of rice dropped, in the provinces rich merchants continued to charge what the traffic would bear.

The Vietnamese hurt most by the inflation were not the Communists, but the government's own officials and troops, paid mostly on fixed salaries.

In the city of Da Nang, an average of three or four fistfights a week break out between GI's and teenage Vietnamese gangs, popularly known as "cowboys." One American serviceman was beaten up and lay in a back alley for 2 days. Though Vietnamese shopkeepers saw the body, they did not report it to police. The American military police finally located it.

By the beginning of 1966, it became apparent that the Buddhist bonzes, as well as the Vietcong, could easily exploit Vietnamese nationalism and anti-Americanism.

One incident used by the Buddhists occurred when the American marines fired two tank rifle rounds into a pagoda from which they claimed a sniper was firing at them. The word immediately spread among Vietnamese peasants that the marines had maliciously fired into the pagoda. The marines also were accused of having deliberately broken a Buddhist statue and strewn human excrement around the pagoda.

The Buddhists, widely considered to include neutralists and pro-Communists, previously had successfully toppled two administrations in Vietnam: President Ngo Dinh Diem in November 1963, and General Khanh in August 1964.

"If the Buddhist priests do turn anti-American, the war will change into a new dimension which we can't even yet imagine," one source said, looking forward to 1966.

At the beginning of the year, rural Vietnam was half conquered by the Vietcong, and the urban portion was in a state of semi-insurrection. As more American troops arrived, resulting anti-Americanism vastly complicated the prospects for economic and political stability.

[From the New York Herald Tribune, Jan. 18, 1966]

VIETNAM: PAST AND PROSPECT—SUBVERSION IN THE MEKONG DELTA

SA DEC, SOUTH VIETNAM.—Officially, the Mekong Delta south of Saigon—where no American combat units have yet been based—is one of the spots where the Vietnamese Government is progressing well. The simple tranquillity of fishing boats passing through canals, the hectic automobile traffic on the roads, the unbroken routine of peasant life would seem to confirm the official version.

But those who live in the villages say the Vietcong have seized virtual control of this rich rice bowl.

The process is not one of violent battles, but the invisible strangulation and isolation of government authority. It is a process of subversion which might be called termite warfare. Government authority has been squeezed into small rings of villages around provincial and district capitals, and into isolated outposts along the main roads and canals.

At Sa Dec is the headquarters of the Vietnamese 9th Infantry Division. Six miles away is the village complex of Nha Man. Two of its three villages are already controlled by the Communists. The third village, Tan Nhuan Dong, is protected by one company of about 100 paramilitary troops. An additional platoon is assigned to each of two smaller outposts—Ba Thien, 1 mile away, and Nga Ba, 2 miles off.

ENCIRCLED

The company at Tan Nhuan Dong lives in an old French fort. Its job is to protect the village and a bridge which stretches across a river flanked by several operating rice mills and brick factories.

The two outposts are encircled by Vietcong guerrillas. Last month they were totally isolated from the local population. To bring in supplies and support for these two posts, the government has to use 10 armored boats. On every voyage the boats and their complement of troops draw Communist sniper fire.

The platoons in each of the two small posts theoretically send out small, regular patrols to gather intelligence. They are called the "ears and eyes of the regular forces." But recently, a local villager described them as "blind men in a jail." For it is rare that a member of either platoon dares leave his compound, even to fetch water from the river 20 yards away.

Last week, one defender crossed the outpost's barbed wire fence for water. He was wounded by a sniper and fell on the river bank. No one dared rescue him. He died and his body was left on the same spot for three days. The commander asked headquarters for reinforcements, to pick up the body 20 yards away from his post. The request was refused.

The platoon was ordered to bury the corpse inside the post, but again the men refused to pick up the body. On repeated orders, they eventually brought in the corpse, but the outpost had no shovels, so they used knives to dig the grave. They had no lumber or nails, so they ripped wood from the walls of their outpost to make the coffin.

After the grotesque burial, morale was so low the company commander decided to transfer the platoon. The 100-man company ordered to relieve them refused to obey their transfer order and most of them defected to the Communists rather than man the Nga Ba outpost. Most returned after the province district chiefs were forced to visit the company of deserters, but the order to man the outpost was rescinded.

ISOLATION

The influence of the Communists goes, however, far beyond the terror built with sniper's bullets.

Last month, the Vietcong ordered peasants and businessmen working or living within a half mile of the Nga Ba outpost to move away. The word went out: No one was allowed to move inside the half mile limit. Rather than sail on the river 20 yards from the outposts, villagers' sampans were assigned to small canals.

One rice miller moved his mill brick-by-brick, machine-by-machine, to a new spot nearer government authority. One villager's reaction: "The Vietcong were very nice to give him the permission to move his rice mill. Otherwise, he would have starved to death. No one would have brought rice to him to be polished within the half mile radius of the post."

In monthly propaganda meetings with the villagers, Vietcong political agents claim "the Americans are waging an all-out war against

the Vietnamese people. The people have to make a clear-cut choice between their friends and their enemies. Those who want to fight with the Americans can go to the government-controlled area. Those who want to fight against the Americans can stay with us. There is no third choice."

In Sa Dec, refugee villagers prefer to live in their sampans moored along the riverfront. They have refused to live in refugee housing provided by the government.

Many of the wealthier landowners already have been forced to flee to government-controlled zones, producing the effect of an economic purge of the area by the Communists. Their abandoned lands, especially fruit groves along the canals, have been boobytrapped and mined by Red guerrillas. The Vietcong have warned landowners that their lands will be confiscated if they allow their sons to become government soldiers.

The Vietcong forbid landowners to hire local labor, and terrorize potential workers—drying up the labor force from both ends. Once-wealthy landed proprietors must plant and harvest their own rice—backbreaking work.

VISITS HALTED

Within the last month, the Vietcong have withdrawn permission to local residents to visit friends or relatives in government-controlled areas. Even the father of one of the senior generals at the Vietnamese Army headquarters in Saigon—who previously had been allowed by the Vietcong to visit his son—now is forbidden to leave the Vietcong area.

But the Vietcong efforts are not all just erosive. They have established efficient—though unofficial and terroristic—taxation. Often using children as collectors, they force millers, small factory owners and businessmen to pay regular levies.

Peasants must turn over to the Reds 40 percent of the rice they grow above their own family's consumption. Any fish or grain grown in the Red-controlled area which is sent into government territory is taxed by the Vietcong—as if they maintained a national border.

So under the noses of government officials and a major army force, the Communists have established their own government in the Mekong Delta. It has almost eroded away the authority of the anti-Communist Saigon regime, and, perhaps more significantly, has taken major steps toward replacing it with an authority of their own.

[From the New York Herald Tribune, Jan. 19, 1966]

VIETNAM: PAST AND PRESENT—MARINES' GREAT EFFORT: SECURING DA NANG

(By Beverly Deepe)

DA NANG, SOUTH VIETNAM.—Last fall, the battle cry of the U.S. Marines here was: "We'll be in Hoi An by New Year's Day 1966." Today, they estimate it will be New Year's 1968.

Hoi An is a provincial capital, only 15 miles south of the strategic airbase of Da Nang. The change in the marines' mood illustrates the changing role of American troops in Vietnam—and some of their problems.

"We could easily have fought our way to Hoi An," one marine said recently. "But then, we would have had to fight our way back. The essential problem of this war is not moving your front lines forward. It is keeping your rear covered."

The key to the problem lies in getting and keeping the support of the rural population. Without it, most authorities believe the war could go on for years.

So it was decided to halt the marines' advance until the Vietnamese could win over the local population. The decision brought dissent from within Marine Corps ranks and sneers from Army colonels, who claimed "the marines are afraid to go out and find the Vietcong." But gradually, the marine effort outside of Da Nang, under the direction of Marine Cmdr. Maj. Gen. Lewis Walt, began to dovetail with the work of the Vietnamese Government.

THIRD DIMENSION

"In a conventional war, progress is measured by an advancing front line," one official explained. "But in this war our outlying positions are constant. Progress must be measured in the third dimension. We must go down into the population to dig out the Vietcong infrastructure and then rebuild the local anti-Communist government."

The result of this coordinated effort was the Five Mountain Villages Campaign, less than 10 miles southwest of Da Nang and 15 miles from Hoi An. It is the principal current pacification program and a pilot case for the future.

"If this plan doesn't succeed here, it's not going to succeed anywhere else in the country," an official said. "We'll really be in serious trouble then."

The project already has run into some serious trouble.

The five villages of the campaign are subdivided into 19 hamlets, covering a 20-square-kilometer area. In the complex dwell 42,000 people, of whom about 7 percent are believed to be related to Vietcong. Snuggled among lush rice paddies, the villages are surrounded by the five peaks of mountains containing gray and salmon-colored marble. "These marble mountains would make a great tourist attraction, but you'd be killed going out there," one marine said.

The pacification campaign has three components: U.S. marines are assigned to secure the outer limits of the area, patrolling to prevent the invasion by Communist units; Vietnamese paramilitary troops maintain security in the villages; Vietnamese civilian teams distribute goods, wage psychological warfare, take censuses, and attempt to undo the Vietcong's existing political devices and to bring the villagers to the Government's side.

"The role of the U.S. Marines is like an egg," an official said. "Our front lines, on the rim of the area, are the shell—but like a shell, the lines can be broken. The vital installation—the Da Nang airbase—is the yolk, and we also defend that. The white is the countryside, which we are trying to pacify and solidify."

On October 18, the Vietnamese forces began their effort, using one headquarters company and four understrength line companies of the 59th Regional Forces Battalion. A civilian cadre of 327 persons was moved in from provincial headquarters. The Vietnamese commander put them through a 2-week retraining course. They were joined by five Vietnamese People's Action Teams (PATs), of 10 persons each, who were responsible for census taking and other activities.

To each village, the Vietnamese commander sent one Regional Forces company and one People's Action Team. In each of the 19 hamlets, he put a civilian cadre team.

"During the third week of the campaign, a 50-man Vietcong platoon broke through the marine blocking position. They were in our area shooting things up. They hit us hard," an official related.

"Five Regional Force troopers and several cadremen were killed. Each of our armed companies was understrength, so we had 15-man platoons where we should have had 35 men. Fighting against 50 Vietcong, of course, we lose against those odds.

"Until then we were just beginning to get the confidence of the people—but after that, the people clammed up and wouldn't tell us anything. And it also hurt the morale of our cadre. One whole 11-man team took off—but the district chief talked them into coming back," the official went on.

"Then, four nights later, the same Vietcong platoon hit us again. They slipped in between two marine patrols, attacked the regional force headquarters unit of 17 men, killed several civilian cadre and kidnaped 2 women working with a drama unit. We haven't seen the women since. One of the American marines saw action from 50 yards away—but he couldn't open up with his machinegun—he would have killed more friendlies than enemies.

"Of course, the marines can't stop all small-unit infiltration. It would take marines shoulder-to-shoulder to do that. And once you had that, the Vietcong would mortar them from across the river, which they've already started doing," he said.

Since the late November action, the Vietnamese and the marines have slightly reinforced the area. Now the marines are not only holding the outer perimeter by extensive patrolling, they also are responsible for the securing of the civilian cadre in 11 of the 19 hamlets. Vietnamese troops defend the remaining eight.

TRY AGAIN

By mid-December, "we started pacifying again and things were moving slow, but good," the official said. "The people began giving us good intelligence and were turning in some Vietcong. For the first time, on a Sunday afternoon, families from Da Nang would come to the villages to visit their relatives. More than 100 families moved back into the area—but none of the people were of draft age."

On one night in late December, however, the Vietcong launched four harassing attacks. They hit the central command post with mortars and struck another People's Action Team, killing several.

Gradually, the cadre force fell from 331 to 304. Besides attrition, there were substantial problems with the cadre because of inadequate training and the fact that they were not natives of the villages in which they were working.

The PAT's—equipped, paid, and trained for political activity and intelligence work by an arm of the U.S. Central Intelligence Agency—had their own troubles. They were better armed than the Vietnamese troops, and the local commander wanted to use them for military security. They refused. One team defected and another had to be transferred because of local conflicts.

"The biggest headache is that we can't move our Vietnamese troops and cadre out of this 20-square-kilometer collection of hamlets until we have villagers here who can defend the area," the official said. "There's not one young man here between the ages of 10 and 38 whom we can recruit. We've lost the middle generation, and no one has begun to find an answer to that problem."

Before the marines reach Hoi An—with their backs protected—80 square kilometers of land must be pacified. At that, the marine estimate of New Year's Day, 1968, is not far away.

BASIN, WYO., POSTMASTER RECEIVES CITATION OF MERIT

Mr. SIMPSON. Mr. President, it was my most welcome privilege this morning to be present in the office of the Postmaster General when an old friend, the postmaster at Basin, Wyo., received a citation of merit for beautification of the post office building and grounds.

Postmaster R. J. O'Neill, in cooperation with J. E. Johnstone of the Denver regional post office, carried out a program which included planting of flowers and shrubbery, and had the cooperation of a number of the good people of Basin. Local organization assisted in this most

worthwhile project by furnishing flowers and shrubbery.

Mr. O'Neill and 13 other postmasters met in the reception room of the Postmaster General's office at 11 this morning to receive the citations. I take this opportunity to felicitate Mr. O'Neill and the other postmasters, as well as other employees of the postal department and citizens of this Nation who are making the national beautification program a significant success.

THE NONPROLIFERATION OF NUCLEAR WEAPONS

Mr. HART. Mr. President, we need swift action toward a nuclear nonproliferation treaty for the simple reason that we are running out of time. There is no other issue before the Senate this year—including even the war in Vietnam—which is of greater basic importance to the world and the nations.

The desperate importance of this question has been seen, and stated, for many years by noted scholars and political leaders. It was recognized by President John F. Kennedy, who told a press conference on March 21, 1963, that 15 or 20 countries might have nuclear weapons by 1975 and that he was haunted by this problem. A year and a half later, Secretary of Defense Robert McNamara told an interviewer that in 10 to 20 years tens of nations would be capable of having nuclear weapons, and that the danger to the world increases geometrically with the increase in the number of nations possessing those warheads.

Secretary McNamara explained that American nuclear warheads then cost anywhere from roughly half a million dollars on up, perhaps to a million dollars. But in the years ahead he warned:

> Because of advances in nuclear technology, the cost of nuclear weapons will fall dramatically—

McNamara added—

> and as the technology becomes simplier, we can expect more and more nations to acquire capability for both developing and producing such weapons.

A year later President Johnson solemnly warned the world that the proliferation of nuclear weapons was the "gravest of all unresolved human issues" and he stated:

> The peace of the world requires firm limits upon the spread of nuclear weapons.

And as all Members of the Senate are well aware, the junior Senator from New York presented two brilliant analyses of these problems in June and October of last year.

Now Mr. President, I am not technically trained or knowledgeable in matters of producing nuclear weapons, and I do not know how fast this anticipated reduction in the cost and time required to produce nuclear weapons has taken place, or what the current figures are. But I did notice in an Associated Press dispatch dated October 7, 1965, from London a statement that the annual report of the British Atomic Energy Authority indirectly revealed that Britain has been working on research "which could lead to production of cut-price atomic and hydrogen bombs."

And I am aware that for many years scientists in a number of countries have been working on top-secret efforts to make the centrifuge method of uranium separation not only workable, but workable at a cost much reduced from the gaseous diffusion process used by the present nuclear powers.

Consequently, I have absolutely no reason to doubt, and have every reason to agree with, the startling statement made last June by the junior Senator from New York:

> Within a very few years, an investment of a few million dollars—well within the capacity even of private organizations—will produce nuclear weapons. Once such a capability is in being, weapons will probably be produced for costs in the hundreds of thousands of dollars each. Similarly, delivery systems are far cheaper than they once were.

One of the wonderful things about scientific technology is that it rapidly discovers cheaper production methods for even the most expensive items. Unhappily, this remarkable ability extends to nuclear weapons as well as tractors and gumdrops.

It is not too difficult to foresee the day when atomic bomb production will be within the ability of any nation that now possesses even the know-how to efficiently manufacture popguns.

In fact, if a nuclear entrepreneur could find a permissive host country, it is even conceivable that he could open an international fireworks stand that would sell to all comers.

We already have five nervous fellows holding shotguns on each other and a new influx of gunmen will do nothing to soothe that jittery feeling and calm the stomach.

This is not a problem for some future administration to deal with. It is not a problem for some future Senate to take seriously while today we satisfy ourselves with making brief speeches. This is a problem for this year, this month, this week, this very day.

The actual work being conducted on nuclear weapons development is naturally a closely guarded secret in this, as in other countries, but we do have some disturbing clues.

In the case of Israel, we know that there has been grave concern in that beleaguered country about the work for several years on rockets by Egypt, assisted by some West German engineers. And we know that Israel has been pushing for a good many years research and development on her own atomic reactors, with a considerable amount of assistance from France.

And as long ago as July 5, 1962, there was an article in the Washington Post reporting from Jerusalem that Israeli intellectuals were protesting the building of atomic weapons by their country. Perhaps Israel had not then in fact launched an actual atomic weapons program. But the fact remains that this is a country with a well-advanced reactor program, a country that is rich in technical personnel, a country determined to fight for its survival in a hostile environment—a country, in short, which might be pressed to develop its own nuclear weapons before much longer, if the present world nuclear anarchy continues.

In the case of India, we have had repeated public assurances first from Prime Minister Nehru and then from Prime Minister Shastri that India was not embarking on a nuclear weapons program. But such expressions of intent should not lull away our concern.

This is highly unlikely to remain India's policy indefinitely. During the September fighting with Pakistan, a large group of Parliament members petitioned the Government to begin atomic bomb production. Should conflict with her neighbors reerupt, such pressures might become irresistible.

And if India takes this fateful step, how great will be the pressures for Pakistan to draw scarce resources from its own urgent economic development efforts in order to follow suit.

And, of course, so, too, will Nasser's Egypt inevitably follow the same path if Israel does develop atomic weapons.

Within a few years more, with the price and difficulty of building these horror weapons reduced, we may expect such countries as Sweden, Italy, and Canada to follow. And, by this time, West Germany may have decided to break her 1954 treaty commitments in order to start on the road to becoming one of the most powerful of the burgeoning nuclear powers, while Japan will doubtless have redrafted her constitutional inhibitions and also taken the plunge.

Other countries listed by AEC Chairman Glenn Seaborg last summer as being capable of building their own bombs before too much longer included Switzerland, Brazil, Spain, and Yugoslavia.

Fortunately, if the need for constructive action to deal with this dread possibility is great, so too is the opportunity now a great one.

For many months, the United States and the Soviet Union have been at an impasse that, basically, involved West Germany's participation in a European nuclear defense.

I think Russia's nervousness about Germany is understandable to any student of modern history. Our problem is to give Germany the feeling of being a full-fledged member of the European defense team while, at the same time, providing Russia with positive assurances that West Germany will never be able to launch a nuclear attack on her own.

Hopefully, the United States will now be able to present new proposals to the Disarmament Conference which will accomplish both ends.

The preparation and negotiation of such a treaty should be a top priority item for the leadership of this country, and of all other countries as well. In addition, I would hope we would explore the idea of developing treaties establishing nuclear-free zones in Latin America, Africa, and the Middle East.

But we must not delude ourselves into thinking that such treaties will be easy to obtain, once agreement is reached between the Soviet Union and the United States. Nor should we imagine that such treaties will completely solve the problem of proliferation.

We have in fact been given ample warnings that to many of the nonnuclear countries such treaties appear to be designed by the present nuclear club to maintain its monopoly: denying entrance to any other countries, while refusing to make comparable sacrifices themselves.

Mr. William C. Foster, head of the U.S. Arms Control and Disarmament Agency, underlined this point in his noteworthy article in Foreign Affairs last July. Mr. Foster wrote:

> Unless the nonnuclear powers are persuaded that their interests are best served by not acquiring nuclear weapons they will ultimately acquire them. A necessary, though perhaps not sufficient, condition for so persuading them is to offer clear evidence that the Soviet Union and the United States are prepared to exercise leadership in the world on a basis of strength other than that inherent in their nuclear capabilities. It is for this reason that agreements to freeze production and to start reductions in fissionable materials and in nuclear delivery systems are so important.

Mr. President, over the past 20 years the United States and the Soviet Union made the possession of nuclear weapons the basic currency of major power status. Today, we have belatedly discovered that these awful weapons, especially when they are possessed by more than one nation, are not very useful as instruments of national policy.

If we now wish to halt the proliferation of these weapons, we need a nonproliferation treaty coupled with a concerted effort by the present nuclear powers to make significant steps toward nuclear disarmament.

And it should be supported by a declaration by all the present nuclear powers that they would never be the first to use these weapons—that such stocks as they would retain at least for the time being would be kept for only one single totally defensive purpose: to use in retaliation if any other nuclear power broke its pledge and initiated the use of these weapons.

But if this seems too great a hurdle to be taken, all at once, then a halfway measure would be better than none. The recent report of the Committee on Arms Control and Disarmament to the White House Conference on International Cooperation, popularly known as the Wiesner committee, proposed that "nuclear powers commit themselves to refrain from the use, or threat of use, of nuclear weapons against nonnuclear ones."

I would endorse this proposal by the Wiesner committee. Indeed, I support many others of the important recommendations made in this extremely thoughtful report and I urge my fellow Senators, and all concerned Americans, to read this report with great care.

In closing, Mr. President, let me say that there are indeed many partial steps which we can and should and must take to help halt the proliferation of nuclear weapons.

The resolution offered on Tuesday by the Senator from Rhode Island, which I was delighted to cosponsor, is one of those steps and I urge its prompt and favorable consideration.

It seems to me that a truly meaningful treaty should be feasible because it would so clearly be in the best interests of everyone who signed—and that is the best assurance of success that any contract can have.

DAVID SQUIRE, DEPUTY DIRECTOR OF THE JOB CORPS

Mr. DODD. Mr. President, I was pleased and proud to learn of the recent appointment of my friend, Mr. David Squire, as Deputy Director of the Job Corps. I take this opportunity to extend my heartiest congratulations to Mr. Squire on his new position and to applaud Mr. Sargent Shriver, Director of the Office of Economic Opportunity, for his outstanding selection.

A resident of Stamford, Conn., Mr. Squire has sacrificed a prominent position in industry in order to assume this new office. He expressed his reason for doing so in saying that he "wished to make a meaningful contribution to our society by taking on a responsible and challenging position."

The task he is about to undertake will provide him with that opportunity. The significance of the Job Corps, in attempting to aid young people between the ages of 16 and 21 who are unemployed due to their lack of education and suitable skills, cannot be questioned. Through the 84 corps centers, young men and women are able to develop new skills and habits, and to benefit from actual work experience.

A program such as this is vital in our efforts to uphold the principle of equality of opportunity. Its success is dependent upon capable and dedicated leaders.

Mr. David Squire is such a man, bringing to his new assignment a wealth of experience. A graduate of Dartmouth College, where he majored in sociology, Mr. Squire has been associated with Ansonia Mills, first as assistant treasurer and later in the capacity of president and chief executive officer. In 1963 he accepted, on behalf of Ansonia Mills, the President's E award for export excellence. As a member of the United Nations Association, the Connecticut Association for Mental Health, and the Urban Redevelopment Commission, Mr. Squire has an outstanding record of service to his community.

I wish Dave Squire all the best in his new endeavors. I know he will be successful.

PERILS OF A DOLLAR WALL

Mr. JAVITS. Mr. President, I call to the attention of my colleagues an article which appeared in the New York Times on January 19.

The story reports the views of Prof. Peter B. Kenen of Columbia University, an authority on international monetary affairs, on the effects on world commerce of the restrictive balance-of-payments measures taken by the administration. His principal point is that, while these measures are steadily eliminating our balance-of-payments deficit, they are also causing a retreat from the objective of a freer and healthier world economy.

This has been the basis of my own opposition to many of the measures proposed by the administration and my support for the early reform of the international monetary system. It has been my view that we are sacrificing a very important long-term goal of American foreign economic policy; namely, the gradual elimination of barriers to trade and capital, for a conflicting short-term objective; namely, the complete elimination of our balance-of-payments deficit.

Professor Kenen believes that the administration is only partially to be blamed for the controls that it imposed. He places most of the blame on the existing international monetary system which, as Professor Kenen says, "is long on discipline and short on credit creation to aid deficit countries" so that it encourages "the use of trade controls, overt or covert, impairing economic efficiency in the world as a whole." This is well borne out by data issued a few days ago by the IMF which indicates that international reserves, which had grown steadily for years prior to 1965, have grown very little in 1965 and may have even stopped growing.

In this same connection, I noted with interest Secretary of Commerce Connor's announcement on Monday that the voluntary balance-of-payments program should be ended by February of next year. Whether or not this announcement means that the administration is coming around to the viewpoint that the continued imposition of these voluntary controls is harmful to the American economy or whether it has come to the realization that these voluntary controls, in the absence of full-scale exchange controls, will decrease in effectiveness, I am not in a position to say.

The fact that we have controls only strengthens the position of those countries who still maintain exchange controls, such as many of the continental European nations.

Now that the United States has demonstrated its ability and willingness to reduce its balance-of-payments deficit, our first and urgent priority should be the reform of the international monetary system and the devising of new mechanisms for the adequate creation of international reserves. Further restrictions by the United States and other developed nations can only lead to more restrictions and the eventual jeopardy of the existing economic order.

I ask unanimous consent to have articles from the New York Times pertaining to my statement be printed in the RECORD.

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

[From the New York Times, Jan. 11, 1966]

LAG IN WORLD MONETARY GROWTH IN 1965 INDICATED BY IMF DATA

(By Edwin L. Dale, Jr.)

WASHINGTON, January 10.—The grand total of official monetary reserves in the non-Communist world rose in the third quarter of last year but remained below the level at the end of 1964, the International Monetary Fund reported today.

Total reserves, also known as international liquidity, were estimated at $68.88 billion at

the end of September, compared with $68.37 billion at the end of June and $68.90 billion at the end of 1964.

These reserves are held by nations to finance actual and potential deficits in their international payments. They are composed of gold, dollars and pounds, as well as automatic drawing rights on the IMF.

Of the total of reserves at the end of September, $41.2 billion was in gold and $22.3 billion in dollars and pounds.

International liquidity had grown steadily for years prior to 1965. It now appears certain that the growth rate last year was very small or even zero.

LAG IN TRADE GROWTH

Today's report, contained in the monthly publication International Financial Statistics, was accompanied by a parallel report in the same publication showing a marked slowdown in the growth of world trade last year.

There is no necessary early or direct connection between a slower growth in liquidity and a parallel movement in trade though in the long run a lack of liquidity would almost certainly hamper trade since liquidity represents the wherewithal for conducting world commerce.

Officials have given three main reasons for the failure of international liquidity to rise in 1965.

First, some nations, led by France, cashed in dollars for gold in unusually large amounts. Such transactions reduce U.S. reserves without increasing the reserves of the nation making the conversion.

Second, the U.S. balance-of-payments deficit was smaller than in other recent years. This means fewer dollars were added to other nations' reserves.

Finally, there was an unusually large volume of gold hoarding and speculation, meaning that newly mined gold did not flow into official reserves. In the first three quarters of 1965, this caused entire output of about $1 billion of new gold to flow into private hands.

Today's report on world trade put total exports in the third quarter at an annual rate of $160.2 billion, down from a record $166 billion in the second quarter.

For the first three quarters, global exports were running at an annual rate of $159.6 billion. This was up from the 1964 total of $151.4 billion, but the rise was much less than the $16.6 billion growth from 1963 to 1964.

The report showed a growth of only $1.5 billion, in annual rate, in the exports of the less developed countries, to a rate of $34.7 billion in the first three quarters of 1964. The industrial countries were exporting at a rate of $114.3 billion in the first three quarters, up from $107.4 billion for all of 1964.

[From the New York Times, Jan. 18, 1966]

PAYMENTS CURBS MAY END IN 1967—COMMERCE SECRETARY SAYS PRESENT THINKING POINTS TO A CUTOFF NEXT YEAR—2-YEAR DURATION CITED—FURTHER DETAILS ARE GIVEN OF VOLUNTARY PROGRAM FOR COMPANIES THIS YEAR

(By Edwin L. Dale, Jr.)

WASHINGTON, January 17.—Secretary of Commerce John T. Connor said today the present thinking of the Government was that the voluntary balance-of-payments program should be ended by February of next year.

Mr. Connor told a news conference that he could make no definite commitment. But he said that current thinking within the administration put a 2-year duration on the program, which was begun in February of last year.

The news conference was held in connection with the release of further details on the voluntary program for this year as it affects business corporations. The program for banks has already been made public in detail.

The purpose of each is to curb the outflow of dollars abroad and to increase the inflow in order to improve the balance of payments, which has been in deficit since 1958.

MAJOR IMPROVEMENT

Mr. Connor said, "We expect to reach the targets for 1965 established at the outset of the program nearly a year ago." He said the deficit in the balance of payments for 1965 was $1.3 billion or less, marking a major improvement from the $2.8 billion deficit of 1964.

Today's releases included the new worksheets to be used by corporations this year in working out their own balance-of-payments plans and a letter sent by Mr. Connor to 400 companies that were not in the program last year, making a total of 900.

The main new feature in this year's program is a formula setting out both nationwide and individual company ceilings for the outflow of dollars for direct investment abroad.

BASIC FORMULA

The basic formula has already been made public. It permits investments in 1965 and 1966 combined of 90 percent of the total for 1962, 1963, and 1964.

The worksheets and the letter disclosed that companies would get credit against their ceilings for any borrowing they were able to do abroad. Thus, if a concern's ceiling under the formula for this year was a direct investment outlay of $10 million and it was able to borrow $5 million abroad, it could invest $15 million.

The direct investment ceiling covers the combined total of retained earnings abroad and dollars sent out of the United States.

Mr. Connor gave figures today indicating that the outflow of dollars for direct investment last year was probably less than the $3.4 billion estimated earlier. He said it now seemed likely that the outflow would be "closer to $3 billion than to $3.4 billion."

Under the new formula, this would mean a correspondingly smaller reduction in this outflow in 1966 and thus a smaller improvement in the balance of payments than had been counted on. Under the formula, assuming a $3.4-billion outflow in 1965, the outflow in 1966 would be about $2 billion, for an improvement of $1 billion.

Mr. Connor conceded that it now seemed probable that the formula alone would produce an improvement this year of less than $1 billion. But he said the target was still $1 billion because the Government hoped that many companies would invest less than the formula permitted.

The other elements of the voluntary program include expansion of exports, increases in the return flow of earnings on foreign investment, and repatriation of short-term assets held abroad.

Mr. Connor had optimistic reports on all of these elements for last year. He said corporations had repatriated about $500 million of liquid assets last year and probably brought back about $4.3 billion of earnings, compared with $3.7 billion in 1964.

He said exports for the year rose about 4 percent and exports of manufactured goods alone by 5.5 percent.

Overall, the 500 corporations in the program estimated an improvement in their balances of payments totaling $1.3 billion for 1965 over 1964, and Mr. Connor said today this target appears to have been "substantially achieved."

In discussing the ending of the program a year from now, Mr. Connor said the Government recognized that restraint on direct investment, in particular, was against the longer run interest of the Nation and of the balance of payments, because it would ultimately reduce both exports and income from investments.

[From the New York Times, Jan. 19, 1966]

PERILS OF A DOLLAR WALL—U.S. DRIVE TO PAYMENTS DEFICIT HELD OBSTACLE TO FREER WORLD TRADE

(By M. J. Rossant)

The Johnson administration is making slow but steady progress toward its goal of eliminating the chronic payments deficit that is the difference between what the Nation takes in from abroad and what goes out. But its efforts are also causing a retreat from the objective of a freer and healthier world economy.

This is the sobering thesis of Columbia University's Peter B. Kenen, one of the Nation's most scholarly authorities on international monetary affairs.

Professor Kenen raises the specter that the United States may be able to eliminate temporarily its deficit with the rest of the world through a network of controls over trade and capital movements that will be permanently harmful.

Secretary of Commerce John T. Connor's latest report on the balance of payments gives fresh support to Mr. Kenen's thesis.

CONNOR OPTIMISTIC

Like other administration officials, Mr. Connor was true to form in expressing optimism about the payments situation, holding out hope that the so-called voluntary program to cut corporate outflows of dollars for investment abroad would be relaxed or eliminated by 1967.

But ever since the program was first introduced, academic and business experts have predicted that its impact could not be expected to last longer than a year or two. So its demise is inevitable.

If the payments imbalance still is a serious problem in 1967, voluntary restraints probably will be replaced by mandatory controls.

Meanwhile, the voluntary program is being expanded, as well as extended. When the administration began asking for business cooperation, it limited its request to the 400 largest companies. Now, it is enlisting 900, which covers almost every American concern doing business abroad.

This continual expansion in controls is what worries Professor Kenen. He notes that in the last 5 years, Washington has put into effect a variety of restrictions, voluntary and involuntary, that reduce the outflow of dollars mainly by curtailing investment and trade.

The administration may have to add new barriers to its already formidable dollar wall if President Johnson is to make good his pledge to wipe out this balance of payments deficit altogether in the next year.

To be sure, the administration will explain that any new restrictions are strictly temporary, but all of the allegedly temporary controls that have been installed are beginning to take on a very permanent look.

Professor Kenen thinks that the administration is only partly responsible for its increasing reliance on controls. He puts most of the blame on the present international monetary system because, he explains, it "is long on discipline and short on credit creation to aid the deficit countries" so that it encourages "the use of trade controls, overt or covert, impairing economic efficiency in the world as a whole."

But the Columbia economist is against proposals for reforming the monetary system in order to provide payments-deficit nations with automatic credits because such plans would make things too easy.

AIMS OF REFORM

As he sees it, reform must prevent deficit nations from making use of controls. This

calls for generous help from the surplus countries. But Mr. Kenen adds that credits must not be provided indiscriminately.

Instead, he calls on the major nations to determine what national economic policies are universally acceptable or unacceptable. Then credit can be extended or withheld on the basis of these new rules.

This is a tall order and one on which an early agreement is unlikely. But Professor Kenen insists that something must be done—and soon—to check the pushing up of monetary barriers around the world.

The fact is that the trend toward restrictions is becoming a race. Britain has its own sterling wall; the continental European nations, which have been in a payments-surplus position most of the time, still maintain many old controls and are erecting new ones. The United States was behind the pack but it is now making up for lost time.

But even if the administration in the race will end up as deficit, it will not be a winner. Professor Kenen predicts that by employing controls that curb trade and investment, the United States and every other nation in the race will end up as losers.

PUBLIC DOMAIN OF EDUCATIONAL RESEARCH RESULTS FROM FEDERALLY FINANCED PROJECTS

Mr. YARBOROUGH. Mr. President, on July 28, 1965, the Federal Register carried the following notice from the Office of Education:

Material produced as a result of any research activity undertaken with any financial assistance through contract with or project grant from the Office of Education will be placed in the public domain. Materials so released will be available to conventional outlets of the private sector for their use.

In taking this action, the Office of Education was altering its previous policy of allowing researchers working under grants or contracts to copyright the results of their research. The change is based upon the idea that, first, if the public pays for research, it should have free access to the results of that research; and second, that the general welfare is best served through competition rather than monopoly. I wish to commend those in the Office of Education responsible for making this wise decision. In my opinion, it is a forward step both in education and in the protection of the public interest in public investments.

I ask unanimous consent that an article by Walter E. Mylecraine entitled "Public Domain" appearing in the November 1965 issue of American Education be printed in the RECORD.

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

[From American Education magazine, November 1965]

PUBLIC DOMAIN

(By Walter E. Mylecraine)

"Notice is hereby given of the following statement of policy of the Office of Education: 'Material produced as a result of any research activity undertaken with any financial assistance through contract with or project grant from the Office of Education will be placed in the public domain. Materials so released will be available to conventional outlets of the private sector for their use.'—Federal Register, July 28, 1965."

Education is America's largest industry. Last year, we spent about $39 billion on our schools * * * more than we spent for rockets, automobiles, or lipsticks.

But in contrast to many modern industries, which spend up to 10 percent of their gross revenues on research and development, Americans allocate less than one-tenth of 1 percent of their educational expenditures to research. We have courted obsolescence in the past by ignoring the future, and we are already reaping the skimpy harvest of our penny-wise, pound-foolish policy on educational research.

This pattern is changing. Since 1957, the Office of Education has financed 1,800 individual research projects designed to investigate the ways we teach and to improve them. From 1957 to 1965, the U.S. Government, through the Office of Education, invested $85 million on research, and the figure will rise sharply in years to come.

This increased expenditure has led the Office of Education to reexamine its publications policy, and to conclude that Office of Education regulations governing the publication of research financed by public funds were inadequate.

The result of this reappraisal is the statement of policy printed above. Its two sentences, while not examples of English prose at its most exhilarating, are the distillate of more than 2 years of discussion between Office of Education officials and outside legal counsel, representatives of universities and publishing houses, and the heads of other Federal agencies. Understanding the statement's importance requires some appreciation of the magnitude of educational publishing in the United States today and its relation to educational research.

Research emerges from the scholar's study or laboratory in a variety of forms. Some of the new knowledge he develops and refines is published in professional journals addressed to school administrators and teachers.

Much of it, however, takes such commercial forms as textbooks, curriculum guides, tape recordings, films, and even computer programs * * * in short, as tangible items susceptible of mass production and distribution at a profit.

Thus, the university scholar who develops an improved approach to teaching eighth-grade mathematics, tests his ideas, and embodies them in a manuscript may well have an item of interest to a publisher.

The interest of publishers in such educational materials has grown keener in recent years, owing in part to the stream of educational legislation that has flowed from Congress during the past two sessions. The current American concern about the state of our schools has brought about new legislative programs that have sharply increased the demand for new texts and the entire array of modern teaching tools. At the same time, the Federal funds allocated for these programs have sharply increased the purchasing power of the schools.

In consequence, the educational market has become extremely attractive. According to authoritative estimates, American public and private schools spent about $1 billion last year for teaching materials. Educational publishing is big business.

In years past, researchers working under Office of Education grants or contracts were permitted to copyright their research and the educational material stemming from it. In almost every case, however, the project agreement required the researcher to give the Government an irrevocable, royalty-free license to use his work as it chose and to authorize others so to do. As a legal entity, then, the copyright was a frail instrument.

But in practice, the Office of Education rarely exercised its licensing prerogative simply because its stewardship of educational research was a relatively minor responsibility. Thus a copyright, which was legally almost worthless, became in the minds of some researchers and publishers a valuable and binding assertion of private ownership.

No longer. The new public domain policy prohibits the copyrighting of research materials developed under projects financed by the Office of Education.

Before explaining the Office of Education's decision to change its publication policy, it is worth making two points: first, the new policy will not apply to research projects approved before its effective date (July 14, 1965) unless the researcher or his institution agree that it should. Previously funded projects that continue over a period of years and are subject to annual approval will be considered individually by the Office. We believe that in such cases we will be able to reach an agreement acceptable to everyone concerned.

The second point to be made is that the new public domain policy does not absolutely rule out copyrighting in connection with research materials financed by the Office of Education. A publisher can copyright significant revisions of public domain material or additions to it. In such cases, of course, the original research material remains in the public domain, so that the publisher would be wise to indicate which parts of a work have been copyrighted. Similarly, the researcher who subsequently improves materials originally delivered to the Office under the terms of his contract or grant can copyright those improvements.

Our basic reason for changing the policy was our conviction that research produced with public funds should become public property. The benefits incident to expressing this principle in a public domain policy begin with the total elimination of Federal control over research materials. The administrative effect of the policy is to take such materials out of the hands of the Government and turn them over to the public as soon as grants or contract terms have been met. Thus, it is not the Office of Education but the educational marketplace—publishers, superintendents, school purchasing agents, librarians, and the students themselves—that will evaluate these materials and decide how they can best be used.

Even more important, we believe the new policy will improve the quality of research supported by the Office of Education. We believe it will foster in educational research generally a creativity, a cooperation, and a competition that copyrighting can tend to discourage. The public domain policy not only permits a scholar to build on the foundation laid by another, but in fact encourages him to do so. He can retain some sections of a published work in their original form and adapt others.

He can, for example, apply techniques developed by another scholar for the teaching of English or physics to the teaching of foreign languages or biology. This kind of intellectual hitchhiking has always been basic to the advancement of knowledge, and there is no reason why it should not characterize research in education.

None of these statements should be interpreted as criticisms of copyrighting as such. The researcher who invests his own time at his own risk to develop an item of educational material has created a piece of private property just as surely as the man who builds his own home with his own funds. But the researcher working under OE grant or contract is using public funds, and he should no more have a legal monopoly over the fruits of that research than a roadbuilder should own the highway he has built under public contract.

Summing up, we believe the public domain policy not only expresses sound principle but carries with it distinct advantages.

Nevertheless, the policy has its critics. Their basic contention is that the policy will not work, and their reasoning goes more or less like this: No publisher will invest money in a text or other teaching device unless he can protect his investment with a copyright. Why should a publisher set up type, print a volume, and then promote its distribution when any teacher, student, private citizen, or competing publisher can copy the contents with impunity?

This argument seems reasonable enough, but publishers refute it with their own practice. The fact that the Warren report on the assassination of President Kennedy, and Surgeon General Luther Terry's report on smoking and cancer were in the public domain did not deter commercial publishers from reprinting them. For years, the Government Printing Office has issued 40,000 copies of the "Statistical Abstract of the United States" at $3.75 a copy. Recognizing that the abstract is in the public domain, a paperback book publisher recently announced plans to issue an edition at $1.95, and plans a first printing of 125,000 copies. Evidence shows that timely marketing and attractive presentation are worthy substitutes for exclusive ownership in profitable publishing.

Another objection is that public domain subjects the researcher's work to unauthorized borrowing that may harm his reputation. As one scholar observed, "Once material is in the public domain, anyone may modify or tamper with it as he chooses, and an author may see some strange versions of his work."

But surely no scholar would claim ultimate wisdom. The Office of Education not only recognizes that others may adapt to new uses work supported by public funds but in fact hopes they will. The resulting changes may be for the worse as well as for the better. Agreed. * * * But such risk is inherent in all innovation, and American education badly, badly needs innovation.

We do not believe that encouraging revision by others represents a serious threat to a scholar's reputation. If he is quoted accurately and in context, he has no legitimate complaint, for no reputable scholar would knowingly use the work of another without acknowledging the debt. If the author is quoted inaccurately or out of context, he falls prey to the same misuse to which the work of any eminent writer is subject; the names of Charles Darwin and Sigmund Freud, among dozens of others that might be cited, seem to have survived decades of misinterpretation.

In any case, we believe the public domain policy is practical in purpose as well as sound in principle. It has been supported by the press, public officials, and by people in the publishing and academic communities. The American Newspaper Publishers Association and the American Textbook Publishers Institute have praised the policy; so have Members of Congress. An editorial in the Washington Post stated well one of our prime objectives in announcing the policy:

"However interesting research findings may be to theorists, they will have practical effect only as they reach schools and children. They will be put to use more quickly, and more widely, because they will now lie in the public domain."

We need publishers and scholars. We believe that the research we support is a marketable commodity. And we believe that the production and dissemination of research materials under a public domain policy leaves plenty of room for all involved to seek their own varied interests.

The first example of research materials being released under the policy discussed here is project English, a complete series of materials for a senior high school English curriculum, developed by the Curriculum Studies Center of Carnegie Institute of Technology.

The fundamental effect of the new public domain policy is to eliminate a legal monopoly. At the same time, it is calculated to speed the advance of educational research and encourage the operation of free enterprise mechanisms in educational publishing. In announcing a public domain policy, the Office of Education is seeking ways in which to put those mechanisms to work for education and the public interest.

THE SMITHSON BICENTENNIAL

Mr. PELL. Mr. President, in September of last year the Smithsonian Institution celebrated the 200th anniversary of the birth of its founder with an international gathering of scholars, scientists, and representatives of museums from many nations. The celebration began with an academic procession onto the Mall from the historic Smithsonian Building and a significant address by President Johnson on international education. Leonard Carmichael, seventh Secretary of the Smithsonian, addressed the gathering on the subject of James Smithson, whose death in 1829 was followed by the generous bequest which launched the Institution. The Chief Justice of the United States presided as Chancellor of the Institution.

The bicentennial celebration coincided with the first visit to the United States of the International Council of Museums, a distinguished assembly of world museum leaders which promotes continued progress in all aspects of the museum field on a worldwide basis. Thus it seems especially appropriate that in 1965 the Senate passed S. 1310, the National Museum Act now awaiting action in the House, to accentuate Smithsonian programs of cooperation with other museums in this country and elsewhere. The program of the bicentennial celebration was a distinguished one, emphasizing the unity of man's knowledge in a series of stimulating addresses by great scholars: Jerome S. Bruner, "The Perfectibility of Man's Intellect"; Herbert Butterfield, "History as the Organization of Man's Memory"; Sir Kenneth Clark, "Changing Values in the Arts"; Ian McTaggart Cowan, "Environment and Man—the Concept of Conservation"; G. Evelyn Hutchinson, "The Problem of Being a Meter and a Half Long"; Arthur Koestler, "Biology and Mental Evolution—An Exercise in Analogy"; Claude Levi-Strauss, "Anthropology: Its Achievements and Future"; Lewis Mumford, "Technics and the Nature of Man"; J. Robert Oppenheimer, "Physics and Man's Understanding"; Stephen E. Toulmin, "Intellectual Values and the Future"; and Fred L. Whipple, "Knowledge and Understanding of the Physical Universe as Determinants of Man's Progress." I was delighted to learn that the Smithsonian will arrange for the publication of these brilliant papers under the title "Knowledge and Man," an apt allusion of the Institution's mandate "for the increase and diffusion of knowledge among men."

Our esteemed colleague, Senator SALTONSTALL, presided at the culminating evening of events as a Regent of the Smithsonian Institution. The Smithson Medal for outstanding contributions in the fields of science, technology, history, and art was presented to the Royal Society of London by Mr. Robert V. Fleming, Chairman of the Executive Committee of the Board of Regents. In a final address before the nearly 2,000 guests from 90 countries, Prof. S. Dillon Ripley, Secretary of the Smithsonian, restated the basic purposes of museums and of the Institution in the advancement of knowledge. As chairman of the Subcommittee on the Smithsonian Institution I have found this a most challenging statement on its prospects and purposes. Consequently I ask that the portion of Mr. Ripley's remarks which will appear as his introductory essay to the Smithsonian Bicentennial Papers, "Knowledge and Man," appear in the RECORD at the conclusion of these remarks.

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

(See exhibit 1.)

Mr. PELL. Mr. President, I wish to add how fortunate I consider both the United States and the Smithsonian Institution to have Dillon Ripley as its Secretary. Mr. Ripley's creative ability, imagination, and flair have all gone to the enlarging of the Smithsonian Institution and through it, of our Nation.

Moreover, the pageantry and success of the 200th anniversary of the birth of James Smithson sprang in great part from the broad thinking of Mr. Ripley.

EXHIBIT 1

MAN AND KNOWLEDGE

(Introductory essay by S. Dillon Ripley, Secretary of the Smithsonian Institution)

Man's knowledge has doubled in a lifetime. The complexity of the universe, of human history, of man's self-awareness severely tests our comprehension. Since the American people accepted the bequest of James Smithson the Institution bearing his name has been devoted to the advancement of knowledge and its appreciation by the citizen. On the 200th anniversary of his birth a number of the world's leading scholars gathered to appraise man's knowledge. In the papers collected in this volume, they trace certain classic themes which are the foundations of knowledge.

They see man's knowledge as a vast fabric telling us as much about those who have created it as about the objects of their thought. If the extent of this knowledge is the hallmark of our civilization, the use to be made of it may be its crisis. Through understanding how knowledge has progressed and what it tells us of ourselves we may better know how it should be used to advance man's welfare.

The laws of the physical universe are somewhat parallel to those of the world of life and even to those of the realm of the mind. The evaluation not simply of organisms but of galaxies, of cultures, and of individual personalities reveals some similarities. James Smithson enjoined the Institution to make these unities manifest: "the particle and the planet are subject to the same laws, and what is learned of the one will be known of the other." The essays in this volume bespeak a unity of knowledge which provides an avenue to understanding for us all, scientist and layman alike.

We must also understand how knowledge has its origin in experience and the course of thought. The scientist does not simply amass new bits of information like beads of glass on a string. The progress of knowledge depends upon a profound interplay among

the structure of theory, the accumulation of evidence, and intuition. It is tempting always to dress out the same old notions with slight alterations responding to fashion more than fact. But we must avoid becoming fixed in our ideas. The best remedy for sterility of that kind is to seek nature in the fact, to employ all the senses in a direct encounter with the problem. This is one of the principal values of museums.

OBJECTS—A KEY TO UNDERSTANDING

Many interesting problems are associated with the study of objects and the managing of collections. It is paradoxical that most people would rather read about objects than study them directly. In our system of education today we assume that one can be educated only by learning to read at least, if not to write. The use of the eyes, perhaps only on the television screen, becomes all important. The assumption that truth can be learned, second hand, by reading what someone else has written, is all-pervasive. It dominates our thinking. It forms the foundation stone of our system of education. There is obviously a confusion here which becomes glossed over and unrecognized in our educational training. Rules may be printed out and learned by rote, but truth cannot be printed out, and probably not absorbed just by reading, and certainly not learned by rote.

In this pattern, this set of assumptions, the objects are left off, and those institutions which harbor collections of objects, as libraries do books, get left out also. It is a common postulate that a man can be educated to take his place in much of our professional society without ever being in contact with objects in the sense of learning through them or by working with them. Is there something degrading about objects? Does the touching of them and working with them imply something less than what an educated man, above a scholar would do? Does it imply a kind of illiteracy? If there is such an assumption, if someone who touches objects, who works with his hands is considered to be a common laborer, then there is something wrong. In our American way of life we tend to assume that everyone must now go to college in order to be happy, to have equal opportunity, to fit our ideal of the finished, the complete citizen. But if by going to college one grows away from objects, becomes a reader and not a toucher, then there is something wrong, for there are many roads to insight and to the discovery of truths. What is clear is that in the pursuit of knowledge no road should be left unexplored.

Indeed there is a talent in being illiterate. For some people insight and learning derive from the sense of touch. Objects are documents to be read as much as the printed page. Many people and all children need to touch objects, assess their texture, not simply read about them, in order to learn. St. Peter's toe, a dinosaur bone in a museum, a live cow, a piece of sculpture, a stone ax; we have a need for objects. Through them the truth is seeking us out.

EDUCATION—CLUES TO INTEREST

I sometimes think that people shrink from the attempt to learn from objects because one must give a little of oneself to the objects in the process. To study objects is more demanding than to read about them. To use them one must give a little, and how few of us like to do that. It is safer, less obligating merely to read and learn by rote. One can always put the book away and forget about it after the exam. How many social anthropologists or social psychologists of today have ever felt the tools, the axes and the masks about which Malinowski and Boas wrote? Most of our social theory today is based on the written observations of anthropologists of a generation or two ago who worked with primitives, groups of isolated, illiterate yet enormously skilled people beautifully adapted to their way of life, people who had the talent to be illiterate, to work by touch, speech, and hearing to create complex and sophisticated cultures. I suspect that many of the best anthropologists of today have an almost unconscious yearning to touch objects, to hear chants, to savor cultures by not reading about them. They should come and look at the objects and the texts in the collections at least. These exist while many of the cultures that gave them life have vanished from the scene. These can be felt and touched and, if you give a little, they can be made to teach something. There are certainly new truths to be derived from them. They are the testament, the original revelation. Colleges and universities should understand this and should include museum objects as a vital part of higher education. Objects are not an end in themselves to be fondled and cherished, but purely verbal people may come to mistake the representation of reality for reality itself.

The educator of today should recognize museum objects as much more than the static byproducts of past ages. The object may be approached again and again from differing points of view and be made to yield clues to biological or even cultural environments and their formative influences. These evidences may be transposed dynamically into systems which may be models for discerning future trends in environmental change, human ecology, and cultural patterns. The object is a catalyst enabling the museum to perform intellectual synthesis, helping to meet a need, particularly urgent in our time, to translate history into prediction.

Curiously enough scholars do not always wish either to give of themselves, or to search out and grasp the nettle of truth. Many scholars both in science and in the arts and humanities wish to join only the previously initiated few, an already chosen circle. Let a segment of art or a segment of science become fashionable, a discovery be made, and a welter of scholars will run, a veritable gaggle of geese, in search of crumbs of an original truth which can be mulled over, fragmented, and attenuated until they become mere chaff, echoes of a past act of discovery. There are graduate students today who are going into various abstract phases of molecular biology because it is safe, because they can get a job, and possibly a retirement plan, by refining segments of past discoveries, while the vast, unformed, incomprehensible truths of environmental biology elude us for lack of enough people willing to get their hands dirty.

In the field of art, history, and criticism the same can be true. Scholarship for scholarship's sake, too attenuated and refined, provoked Francis Taylor once to say, "The locust has flown away while we have been debating the morphology and iconography of his discarded shell."

It has been said over and over that now that our Federal Government has taken the decision to assault the massive problems of education in this country, it is up to the private foundations, who have in some instances pioneered, charted the way for present-day acceptance of this principle of Federal support, to pioneer anew. How can foundations help in the next stage, the stage that goes beyond providing an opportunity for education for everyone? The horse can be led to water but not made to drink. The equal opportunity is not enough.

People will not become educated unless they are interested, unless they have goals and a purpose, and, above all, interests. If the future for everyone is to include leisure, then objects come again onto the stage, interests, crafts, hobbies. Through the study of objects we can revive dormant skills and unconscious drives and urges that lie submerged in people as in what I have called the talent to be illiterate.

Furthermore we can study how best to interest people in things through programs and research in museums. Objects properly displayed and explained bring the visitor back time after time. Beyond this the visitor may enroll in classes to work behind the scenes with the materials themselves. We can study that elusive subliminal threshold of interest, of how to be interested in anything at all. For this the Smithsonian hopes to join hands with imaginative and pioneering foundations.

THE SMITHSONIAN INSTITUTION

If the Smithsonian Institution has a motto, aside from the enigmatic and Sibylline "increase and diffusion of knowledge among men," it should be the pursuit of the unfashionable by the unconventional. This motto would not be unique. It should be shared by some of our greatest organizations devoted to basic research, the Rockefeller University and the Carnegie Institution to take two illustrious names also associated with original philanthropy. But in its history the Smithsonian has always tried to do only what for various reasons, other organizations or agencies were not doing, and to husband its resources of manpower toward the accomplishment of abstract and original study.

Let us hope that the venerableness of this institution does not require us to accept Brancusi's suggestive statement that "when we are no longer younger, we are already dead." To function we must not become set or rigid, but always receptive to new possibilities. To be creative in the arts or the sciences we must retain the direct apprehension of the environment, the external world. As Dubos has said, to retain this perception is the "surest approach to a true enlargement of human life." Let this indeed be our mission.

TRUTH IN LENDING

Mr. DOUGLAS. Mr. President, I have just received from the House of Representatives of the State of Colorado their memorial asking the Congress of the United States to enact truth-in-lending.

This is a heartening development and I congratulate Representative Gerald Kopel, of Denver, and his associates and colleagues for their interest in this question of great importance to American consumers.

This is strong evidence of the growing support for congressional action on my truth-in-lending bill, S. 2275. President Johnson has called for the enactment of truth-in-lending legislation this year, and I think there is strong public support for his request. I ask unanimous consent that the covering letter from Representative Kopel and House Memorial No. 1003 of the Colorado House of Representatives be printed in the RECORD.

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

HOUSE OF REPRESENTATIVES,
Denver, Colo., January 13, 1966.

Hon. PAUL DOUGLAS,
U.S. Senate, Washington, D.C.

DEAR SENATOR DOUGLAS: The House of Representatives of the State of Colorado has this day passed unanimously a memorial to Congress requesting the enactment by Congress of truth-in-lending legislation. Its sponsorship constitutes 40 of the 65 elected members of our body.

It is our hope that, at long last, this will be the year when Congress will favorably pass this necessary bill restoring to consumers the right to make responsible decisions

in borrowing money, based upon full disclosure of interest rates.

Very truly yours,

GERALD KOPEL.

HOUSE MEMORIAL 1003

Resolution memorializing the Congress of the United States to enact truth-in-lending legislation

Whereas short-term consumer debt in the United States is more than $83 billion; and

Whereas the total consumer and business debt in the United States of $819 billion is 2½ times greater than the Federal debt; and

Whereas the total interest paid by consumers just on short-term consumer debt is as large as the total interest paid out by taxpayers on the entire Federal debt of the United States; and

Whereas the price of credit is little understood by the consumer; and

Whereas the consumer can make no real comparison in the cost of credit unless he is able to translate credit charges into a uniform statement of true annual interest rates; and

Whereas since 1960, Senator PAUL H. DOUGLAS has sought enactment of a truth-in-lending bill which would require that charges incident to the extension of credit be stated at a true annual interest rate on the outstanding balance of the obligations; and

Whereas the Department of Defense of the United States, in a directive on personal commercial affairs, has required all lending institutions dealing with servicemen to provide full disclosure through truth in lending; and

Whereas the truth-in-lending bill, S. 2275, will aid the ethical and efficient lender or credit extender who wishes to be honest and accurate in disclosing the cost of credit but who can do so only at the peril of losing customers to competitors who would continue to disclose deceptively low credit prices; and

Whereas such legislation is essential to the maintenance of a competitive free enterprise system and would in no way interfere with the buyer-seller relationship: Now, therefore, be it

Resolved by the House of Representatives of the 45th General Assembly of the State of Colorado: That this house of representatives hereby petitions the Members of the Congress of the United States to propose and enact legislation in the Congress for truth in lending; and be it further

Resolved, That copies of this memorial be sent to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, Senator PAUL H. DOUGLAS, and Members of the Congress from the State of Colorado.

ALLEN DINES,
Speaker of the House of Representatives.

EVELYN T. DAVIDSON,
Chief Clerk of the House of Representatives.

COMMUNIST STRATEGY IN LATIN AMERICA

Mr. DODD. Mr. President, the crisis in the Dominican Republic has highlighted once again the lack of understanding of Communist plans for expansion in the Western Hemisphere—a lack of which has already resulted in the transformation of Cuba into a base for hemispheric subversion.

Although the Communists are most explicit in stating their aims, and in launching programs to achieve them, many observers fail to believe that the Communists mean what they say, and many more are unaware of what these stated policies are.

In the winter issue of the Yale Review Dr. Josef Kalvoda has written a well-documented analytical article entitled "Communist Strategy in Latin America." Believing that Dr. Kalvoda has captured the essence of Communist tactics and approaches for the domination of the countries of Latin America, I wish to bring this article to the attention of my colleagues.

The Communist plans for the Western Hemisphere, Dr. Kalvoda points out, are part of the historical approach enunciated by Lenin in 1920 at the Second Congress of the Communist International. This involves attacking the West through its weakest link. Acting on the assumption that revolution in advanced industrial countries is hardly possible, the Communists have decided to concentrate upon the dependent and underdeveloped areas of the world, the weakest links in the free world.

Though Russian and Chinese Communists may disagree about the proper tactical way to bring about a Communist victory, the author believes that they do agree upon fundamentals. He notes that they both "point to the need to capture political power as the first task of any Communist Party operating outside the peace zone of the world socialist system."

In different countries they follow different policies. In Cuba the revolution was nationalistic, middle class, and anti-Batista in its appearance. But in Argentina "it is the proletariat, and not the petty bourgeoisie, that heads all important decisive actions." Dr. Kalvoda states that "Communist exploitation of the Dominican revolt has been obvious to all open-minded people" and he discusses the case of Luis Acosta, the Cuban Communist, who "led the mobs that seized Santo Domingo's radio and television stations."

The Communists, in short, identify themselves with the needs and hopes and dreams of the people. They do not tell the people that what they will get under communism is not land, or peace, or bread, but simply tyranny, exploitation and the total deprivation of human dignity.

The author concludes:

The continuation of our present inaction cannot lead to anything but disaster * * *. The combined political and military threat from Cuba to us and to our Latin American neighbors must be dealt with soon.

I ask unanimous consent that this article be inserted in the RECORD.

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

COMMUNIST STRATEGY IN LATIN AMERICA

(By Josef Kalvoda)

The success of communism in Cuba has been a powerful stimulus to all Communists in this hemisphere, and even a casual reader of newspapers is aware of the increase in their activities throughout Latin America. Their ability to deceive the Catholic Church in Cuba, the Government of the United States, and the majority of this country's mass media during the process of their capture of power in Cuba testifies to the efficiency of their propaganda and the gullibility of their audience, and success has only strengthened their belief in the invincibility of their movement and the inevitability of its victory.

The announced aim of Latin American Communists is first the encirclement of the United States and then the takeover of the whole hemisphere. To accomplish this aim they have adopted the strategy and tactics of revolution originally devised by Lenin and refined by his successors. Lenin's plan of attacking imperialism through its "weakest link," as presented to the Second Congress of the Communist International in 1920, has been the theoretical foundation of Communist-led revolutions in Latin America, as it has been in Asia and Africa. According to this plan, since the possibility of revolution in advanced industrial countries is very slight, the Communists will have to concentrate on gaining ground and spreading their power in the dependent and underdeveloped areas on this globe, the "weakest links" in the imperial system. And since Latin America, according to the Communists, is the weakest link in the United States' system, it is obviously the first target in this hemisphere.

The technique Lenin outlined for subverting the weakest links is known as "boring from within," that is, capturing control of already existing organizations. Wherever in colonial, former colonial, or semicolonial areas, there are native political movements aimed at political and/or economic emancipation from foreign domination and at internal social revolution, especially if those movements have the support of several classes and social groups, the Communists are to exploit them. They are to identify themselves with the genuine aspirations of the native peoples, advance the already stated aims of the nationalist movements, add to them their minimum program, assume their leadership, and finally capture them completely from the inside. Although communism is internationalist by definition, its supporters in the "weakest link" countries will often have to conceal their true identity, masquerade as nationalist, work with the masses, capture leadership in indigenous movements, and make their followers believe that they, and the program advanced by them, represent the true aspirations of the people.

Lenin's 1920 plan for capturing the weakest links by boring from within was supplemented the following year by a plan for temporary collaboration between the Communists and the local nationalist revolutionaries and leaders of some political parties. This broadened the basis for Communist action by introducing the tactics of the united front—cooperation between the Communist Party and some other leftwing parties. Now, in addition to infiltrating the native nationalistic movements, the local Communist Parties were advised to adopt the tactics of the united front from above (collaboration with the leaders of non-Communist organizations on a temporary basis) and/or the united front from below (appealing to rank-and-file members of such organizations over the heads of their leaders). Lenin realized that the Communists could not win power alone, that they would have to seek the collaboration of sympathizers, fellow travelers, and the so-called innocents if they were to succeed. He knew that Marxist doctrine had so little appeal for the masses that the Communists would have to stimulate nationalism and foment social discontent through broader political coalitions under such names as people's front, united front, or front of national liberation in order to capture political power. In Latin America the united front strategy was tried in the 1920's, 1930's, and 1940's with little success, but in the 1950's and 1960's it was revived, with the results we now observe.

While the appeal of nationalism was being used to capture the middle class, social dis-

content was to be cultivated among the peasants, by far the largest segment of the population in dependent and semidependent areas. Lenin had learned in Russia that without the support of the peasantry, or at least its neutralization, the forces of revolution had no chance to succeed.

The theoretical aspects of the Latin American revolution and its fundamental strategy have been worked out by the theoreticians and leaders of the international Communist movement. They may argue among themselves, they may disagree on tactics to be used in specific instances (on what shovel they should use to bury us), but they agree on fundamentals. They all point to the need to capture political power as the first task of any Communist Party operating outside the peace zone of the world socialist system, and to a remarkable extent they agree on how it is to be done. Those who argue that the Russian and Chinese positions are opposed should compare the following two quotations, the first from the "Program of the Communist Party of the Soviet Union" of 1961 and the second from the Chinese "Proposal Concerning the General Line of the International Communist Movement" of 1963:

"(1) The success of the struggle which the working class wages for the victory of the revolution will depend on how well the working class and its party master the use of all forms of struggle—peaceful and nonpeaceful, parliamentary and extraparliamentary—and how well they are prepared for any swift and sudden replacement of one form of struggle by another form of struggle. * * * But whatever the form in which the transition from capitalism to socialism is effected, that transition can come about only through revolution.

"(2) In order to lead the proletariat and working people in revolution, Marxist-Leninist Parties must master all forms of struggle and be able to substitute one form for another quickly as the conditions of struggle change. The vanguard of the proletariat will remain unconquerable in all circumstances only if it masters all forms of struggle—peaceful and armed, open and secret, legal and illegal, parliamentary struggle and mass struggle, etc. It is wrong to refuse to use parliamentary and other legal forms of struggle when they can and should be used."

There is nothing new in these passages; the Marxist-Leninists have always put great emphasis on the need to master all forms of struggle and to change tactics to suit different situations. In Latin America these have ranged from the ostensibly parliamentary tactics of the Chilean Communist Party to the terrorism of the Venezuelan Party. These differences in methods and approaches have stimulated rather than hampered Communist subversion in the Western Hemisphere, as a recent Organization of American States report notes.

In Latin America the "fronts of national liberation" have been advised to exploit such local issues as poverty, the peasants' hunger for land, labor-management frictions, racial strife, and rifts among their opponents. Soviet Pravda of April 12, 1965 ("Latin America in the Struggle for Democracy and Social Progress" by S. Mikhail and A. Shegovsky), advised Latin American comrades in countries ruled by military juntas or caudillos to embrace "the defense of democratic liberties." There "the struggle for the restoration of civil liberties and working people's social rights is assuming enormous importance. It is precisely these forms of action that make it possible to draw into the liberation movement those strata of the population that are still infected with anti-Communist bias and that nurture illusions about U.S. imperialism." Consequently, in the Latin American dictatorships, Communist leaders pose as champions of those very individual rights and civil liberties that they would themselves suppress as bourgeois concepts and practices if they came to power.

The article recommends somewhat different forms of struggle in "such countries as Mexico, Chile, and Argentina, where the activities of Communists and other progressive parties and organizations are legal." There the Marxist-Leninists should attempt to organize broad popular movements by propagandizing for the "extension of democracy" and by advocating social change, economic independence, and an "independent foreign policy line." An "independent foreign policy" will lead to establishing diplomatic relations with Communist-dominated countries, and that will in turn open new avenues for the native Communist Parties. Then diplomatic representatives of Communist countries can supply native parties with funds and advice under the protection of diplomatic immunity. Furthermore, as the article states, establishing diplomatic relations has a powerful propaganda effect, and it points out that when relations were established between Chile and the Soviet Union there were "great repercussions throughout Latin America" which led "many politicians * * * to reexamine their opinions regarding the expansion of contacts with the Socialist countries."

Flexibility of approach is again emphasized by Ernesto Judisi in his article "The Revolutionary Process in Latin America: Some Lessons of the Liberation Movement in Argentina" in the World Marxist Review, February 1965. "Although some features coincide, the revolutionary process in the different countries is developing in diverse forms," Judisi observes. "The Marxist-Leninist parties in the different countries, familiar with the conditions and possibilities, are best qualified to define the ways and means of the revolutionary struggle in their countries." Though the Communist victory in Cuba "opened new revolutionary vistas to the countries of Latin America," it would be unwise to try to repeat exactly the same methods in some other country. In Cuba the revolution was nationalistic (middle class) and anti-Batista in its appearance, but in Argentina "it is the proletariat, and not the petty bourgeoisie, that heads all important and decisive actions." And yet he warns against "the error of idealizing the working class," though the national bourgeoisie "should act as an ally of the proletariat in the struggle, and not vice versa."

"Creative Marxism manifests itself in an increasing variety of ways and forms, without seeing any one of them as an absolute," Judisi argues; what is unchanging in the revolutionary goal—the defeat of "United States imperialism on the continent." The revolutionaries must rely "on the forces which are most progressive and which carry the most weight at the given moment and in the given circumstances"; they must work with the forces "actually available at the moment." In Argentina the party has expressed its program in the slogan: "For mass action to win power." A mass "unity movement" of the working class, spearheaded by the Communists, is to be organized against the "alliance of the reactionary military and civil forces." Slogans of "working class unity" are expected to take in some of the members and leaders (on the "middle-level") of the Socialist, Peronist, and Christian Democratic parties. Since the army is "rent by group rivalries" and is in "a process of political and ideological differentiation," the Communist leaders must try to divide their enemies and unite their friends among the military. The "different forms" of unity to be pursued, depending on the concrete situation, include "broad democratic unity," "a national liberation front," and "unity of the left." The leaders of the party decide, at any given time, what particular form of "unity" is to be pursued in order to achieve maximum possible gains.

In spite of their emphasis on flexibility, Communist writers on Latin America often tell their readers that the Marxist-Leninist professionals in this hemisphere must follow "the Cuban way to revolution." That way can be briefly summarized. In the 1950's an elite of professional revolutionaries was trained at various institutions in Mexico, in the Soviet Union, and, most important, at the Graduate School of Latin American Studies in Prague. There they were indoctrinated in Communist ideology and mastered the Marxist-Leninist techniques of guerrilla and psychological warfare. They learned how to manipulate the peasants and bourgeoisie through slogans and catchwords and libel of their enemies, how to disguise their Communist affiliations, and how to handle firearms, drugs, and poison. Although they maintained close connections with the international Communist movement (the revolution was largely financed from the Soviet Embassy in Mexico City), the revolutionaries for some time denied that they were Communists, and thereby deceived much of the public in Cuba and elsewhere. In the United States, for example, most newspapers reported favorably on Castro's guerrilla activities and on his new government when he first came to power early in 1959, and a well-known politician hailed Castro as a liberator in "the best Simon Bolivar tradition."

The revolutionaries denied that they had any plan to establish a Communist regime, to imitate the Soviet Union, or to collectivize agriculture; on the contrary they approved of private initiative and small businessmen. All that they wanted to accomplish was an end to their country's dependence on foreign capital and to its domination by "big business and large landowners." In all this they were simply following the steps of the approved strategy for a Communist revolution: first, the domination of a nationalist front by the Communist Party, operating either openly or in disguise; then, a period of "national liberation" marked by purely temporary cooperation with non-Communist groups; and finally, avowed communism. The tactics change, but the objective remains the same.

Hugo Barrios Klee, a prominent Guatemalan Communist, discussed the specific meaning of the "Cuban way to socialism" in the March 1964 issue of the World Marxist Review under the title "The Revolutionary Situation and the Liberation Struggle of the People of Guatemala." He hails the Cuban revolution as a turning point in the history of Latin America, not only because its success has demonstrated the existence of a revolutionary potential there that had often been doubted, but also because it has actually advanced the revolutionary situation in the Western Hemisphere. Cuba has become a political and military stronghold from which Communist subversion and guerrilla activities are directed and financed, and Latin America is now one of the main fronts of the struggle against the United States. All Latin American revolutionaries must learn from the Cuban experience, but "loyalty to the spirit of the Cuban revolution does not mean mechanically copying its experience. Taking the Cuban way does not necessarily mean following the exact pattern of events in that island." Latin America has changed since 1959, and the non-Communists have learned from the Communist victory in Cuba; "the imperialists * * * are hardly likely to repeat their fatal mistakes of 1956–59. They have intensified their resistance and they are doing everything to consolidate their forces."

To overcome the obstacle represented by the stiffening of the non-Communist resistance, Barrios Klee calls for more maturity, more unity, and greater efficiency in the revolutionary leadership. "Larger masses of people must be drawn into the movement," he argues; it must "enlist the support of those sections which did not play

a big part in the revolutionary struggle in Cuba (for example, progressives in the armed forces)." To take "the Cuban way," he says, now means to "use flexible and diverse forms and methods of struggle."

That the Latin American Communists have learned the lesson of flexibility in tactics was demonstrated in the Dominican revolution of April 1965. The revolt started when Donald Reid Cabral, the Dominican leader, sent his army chief of staff to fire two officers for graft and corruption on April 24. The chief of staff was instead arrested by rebels whose proclaimed goal was to overthrow the triumvirate headed by Reid Cabral and to return Juan Bosch as President of the republic. In planning the revolution the Communists cooperated with other parties, including the Dominican Revolutionary party (on whose ticket former President Juan Bosch had been elected). Air Force Brig. Gen. Elias Wessin y Wessin, instead of crushing what was then a small mutiny of some Communist and non-Communist military men, tried to act as a mediator between the rebels and Reid Cabral, whom he advised to resign to avoid bloodshed. While the rebels were pushing for a full-scale civil war, General Wessin offered to set up a military junta with them, if they would agree to holding a free election within 90 days. They refused.

The Communists helped to trigger an "indigenous" revolution and tried to control it. They took advantage of the temporary power vacuum when the main forces of law and order, the army and the police, were divided and thereby nullified. They helped to create chaos by distributing between five and ten thousand guns to civilians, including toughs who organized street mobs, gangs of thieves and juvenile delinquents (the most prominent gangs being the Turbas and the Tigers), to local Communists, and to some from abroad. Now they were able to take over the rebellion completely. The street gangs looted, raped, and killed at their pleasure. A Cuban Communist, Luis Acosta, led the mobs that seized Santo Domingo's radio and television stations at the beginning of the revolt, and radio broadcasts encouraged the liquidation of Cuban refugees in the Dominican Republic. There were mass executions of prisoners, and some members of the Dominican Revolutionary Party, realizing where their cooperation with the Communists had left them, took asylum in the embassies of other Latin American countries. At this stage, when the Communist-led rebels claimed complete victory, the President of the United States responded to the urgent request of Ambassador Bennet, and sent U.S. troops into the Dominican Republic, in order to save the lives of American citizens and others, and to "prevent another Communist state in this hemisphere."

Communist exploitation of the Dominican revolt has been obvious to all open-minded people; however, a small but vocal minority has been sharply critical of the President's action. In order to make even the most skeptical aware of the need to keep the Inter-American peacekeeping force which has replaced the U.S. troops in the Dominican Republic, our Government is planning to issue a white paper which would fully document the danger posed by the uprising to the entire Western Hemisphere. It is hoped that the present (October 1965) interim government in the Dominican Republic will be succeeded by a new one issuing from a free election held under the auspices of the Organization of American States.

In his discussion of the liberation struggle in Guatemala, Barrios Klee emphasizes the need to draw the peasants and the Indians in the Guatemalan mountains into the struggle. He acknowledges that the Indians are backward, without political consciousness, and, like the peasants, under the influence of the church, but he hints at a Communist plan to change all this by the use of terror: when the guerrillas attack the government forces they will make the peasants and Indians support them; if the peasants and Indians refuse, punitive expeditions will be organized against them. In the ensuing struggle they will be caught in the middle; some will be neutralized, others will join the Communists. The plan recalls the activities of Tito's partisans in Yugoslavia during the last 2 years of the Second World War and the terrorism of the Vietcong in South Vietnam. And in fact waves of terrorism have moved already across Venezuela, Colombia, Bolivia, and Guatemala several times during the past few years.

The lack of mass support among the working classes, peasants, and Indians (to continue Barrios Klee's analysis) is to be compensated for by increased support elsewhere. Some segments of the armed forces can be enlisted in the Communist cause, as recent events in the Dominican Republic demonstrate, and the need for broad alliances with other political parties is reemphasized. (In Guatemala the United Resistance Front is such a coalition, and the Insurrectionary Armed Forces represent its military arm.) Some urban middle-class people who "are petty bourgeois in thinking and in status" can nevertheless, "as the Cuban experience has shown, play an important revolutionary role in Latin America."

That Barrios Klee is correct in assessing the role of the urban middle class is shown by the part they have played in the Communist attempts to seize power in Brazil, Honduras, and the Dominican Republic. The Armed Forces of National Liberation (FALN) in Venezuela consist largely of middle class students, and even of some extreme rightwing army officers. In Argentina the Communists are wooing the Peronists to join them in a united front against the present government, although, from what is being printed in the World Marxist Review, it would seem that their overtures to the Peronists have not been very successful so far. The strenuous attempt to woo the middle class demonstrates once more that in Latin America, as elsewhere, the Communists do not speak for the working class and peasants, that they do not have any considerable support among them, and that their claim that they are the vanguard of those classes, interested only in improving their economic and social condition, is a myth.

Realizing the weakness of the Communist movement in Latin America, Barrios Klee calls for the exploitation of any rift among its opponents, though he also points out that there may be chances for peaceful transfer of power and ownership of the basic means of production, so that in some countries the revolution may be nonviolent, and cites Chile as a case in point. In other countries the early stages of the revolutionary process can be accomplished peacefully, through the development and use of legal forms of mass struggle. He is probably thinking of British Guiana and the situation as it existed in Brazil before the changes of April 1964. But, in the end, "guerrilla warfare * * * will be the main form of struggle everywhere." However varied the preliminary forms of struggle, when the day arrives, when conditions are ripe, violence must be resorted to. "We believe that these conditions exist in Guatemala," Barrios Klee declares. "Our party therefore supports the guerrilla actions now taking place in the country."

The policy of peaceful coexistence wins Barrios Klee's support because it promotes rifts among the non-Communists; some will take it at its face value and denounce those who do not as warmongers, imperialists, and enemies of peace. So as a result the non-Communist governments will have trouble in devising and following consistent policies vis-a-vis the Communists, making it all the easier for them to switch from one form of struggle to another, to maintain initiative, to get the support of temporary allies, and generally to deceive their opponents.

Since the publication of Barrios Klee's article the Communists have suffered two serious setbacks in Latin America, the first in Brazil early in April 1964, and the second in Chile early in September 1964, when the front supported by the local Communists lost the presidential election, after high hopes of a peaceful takeover had been built up.

Early in 1964 the Secretary General of the Brazilian Communist Party, Luis Carlos Prestes, boasted that the Communist-dominated front in Brazil "has already won"; yet a few months later the front was defeated, and President Joao Goulart and his brother-in-law Leonel Brizola fled to neighboring Uruguay. This setback only convinced the Brazilian Communists that they must analyze their mistakes and learn from them, as the following account by Lucas Romao ("Democratic and National Struggle in Brazil and Its Perspectives") in the World Marxist Review (February 1965) shows:

"The United Front gravely underestimated the strength of its adversary; it was taken for granted that the military forces supporting Goulart far outnumbered those of the conspirators. The masses had not been prepared for the emergency which necessitated the use of all forms of struggle, including armed action. Like the other forces in the United Front, the Communist Party was taken by surprise. We realized that we had underestimated the enemy's strength in claiming that we could foil any plot. This was due, on the one hand, to the illusions we entertained concerning army support for the government. On the other hand, we did not perceive that a political realinement was taking place in the enemy's camp, that he was winning over people associated with the Front.

"The party as a whole, with the leadership in particular, living in illusions, placed too much reliance on the command of the army, in its ability to resist the coup. In point of fact, we failed to understand that victory over the enemy depended largely on mass action throughout the country.

"The program approved by the Fifth Congress of our party in September 1960, and defined more precisely in the documents circulated in preparation for the Sixth Congress (it was postponed in view of the new situation), noted the possibility of the peaceful and non-peaceful path of development of the Brazilian revolution, or armed action being one of the possible forms of the struggle. However, we tend to see the peaceful way as the sole way and consequently, failed to prepare for the eventuality of armed struggle."

The Brazilian Communists, in short, were overconfident; they overestimated their own strength, underestimated the strength of the democratic forces opposed to them, and relied too exclusively on Khrushchev's then-prevalent theory that the revolution could be peaceful. The failure of a gradual and non-violent strategy in Brazil has forced the Communists there and elsewhere to reevaluate that theory.

The new line of the Brazilian Communist Party was defined in the political notes adopted by the executive committee in October 1964. It holds that the present government of Brazil "has deeply wounded the feelings of the nation, whose anger is mounting." Communists therefore should exploit a wide variety of economic and social problems, ranging from the overproduction of coffee, the rising cost of living, and inflation, to payment of debts to the United States, as well as the differences of opinion and frictions, especially on the election issue, among the present political leaders of the country.

"At the moment," the communique says, the aim is "to set up a national and democratic government. In present conditions this means a struggle to overthrow the dictatorship, to oust those who seized power through a military coup. The main form of the struggle will be determined by the course of events, but irrespective of what this form will be, the overthrow of the dictatorship can be secured only through mass actions by the working people. Our efforts are concentrated on setting up a united front of struggle against the dictatorship, a front which will include all the forces opposed to reaction. The steps already taken in this direction are encouraging."

The plan of action provides for "combining legal with illegal activity," for "working in the various mass organizations," for "struggle in all its forms," and for "correctly combining the different forms, peaceful and nonpeaceful" in order to oust the present government and prepare for a Marxist-Leninist revolution.

In Ecuador the Communists make a similar appeal for "the overthrow of the military dictatorship by joint action of the forces destined to unite in a national-liberation front," and for establishing a "people's government" which would include "Communists, Socialists, and representatives of the mass following of the Liberal Party, the Federation of Popular Forces, etc." (See Ricardo Ortiz Gonzales' "Ecuador: Realities and Prospects," World Marxist Review, March 1965.) This "democratic revolutionary" government in which the "leading role would be played by the alliance of the workers and peasants," must adopt and carry out "the program adopted by the Seventh Congress of the Communist Party of Ecuador" of which the basic demands are as follows: "democratic agrarian reform; industrialization; strengthening the state sector in the economy; a tax reform removing the bulk of the tax burden from the shoulders of the working people; nationalization of enterprises owned by foreign monopolies as well as of foreign trade; democracy; consistent extension of trade union rights; raising the material and cultural level of the working people; an independent foreign policy; peaceful settlement of the Peru-Ecuador frontier problem; and the establishment of diplomatic relations with all countries, and primarily with the Socialist countries."

Ricardo Ortiz Gonzales pays lip service to a "nonviolent revolution," but he hastens to add that there are serious "limitations on peaceful and legal forms of struggle." Therefore, he asserts, "the decisive role will be played by armed struggle."

A year ago there appeared to be a split among the various Communist parties in Latin America. Some leaned toward the Chinese, others toward the Russians, and for a time dissensions plagued the whole movement. Now the crisis seems to be over for the present. The new theme of all the parties, the theme adopted by the representatives of the revolutionary parties in all the Latin American countries at a conference held at the end of 1964, is "militant unity of Latin American Communists."

The communiqué of the conference, issued on January 19, 1965, calls for "promoting the solidarity movement with Cuba" through restoration of diplomatic and trade relations, ending the economic blockade, and exposure of "the preparations for renewed aggression and the counterrevolutionary activities of CIA agents." The communiqué further calls for "active struggle against the ruling oligarchies and military juntas in many Latin American countries"; for the organization and support, on a continental scale, of solidarity movements with the liberation fronts in Venezuela, Colombia, Guatemala, Honduras, Paraguay, and Haiti; for the independence of Puerto Rico and British Guiana, the autonomy of Martinique, Guadalupe, and French Guiana, and the like.

To promote the unity of the world Communist movement, the communiqué advocates calling bilateral and multilateral meetings and conferences. It condemns factional activities and insists on immediate discontinuation of public polemics; and it calls for adoption of a "common point of view" expressing the "common ideology, Marxism-Leninism."

The inauguration of a new phase in the Latin American revolution was hailed by Fidel Castro, who predicted new victories and boasted that the guerrillas operating in Colombia, Venezuela, and Guatemala could not be crushed by the armies of those countries. There is a considerable body of evidence that many of the Communist activities in this hemisphere are directed and financed from Havana. In September 1964, Undersecretary of State Thomas C. Mann observed that "between April and August 1960, the Castro regime promoted armed invasions of Panama, the Dominican Republic, and Haiti. They all were failures. Then, under the guidance of his Soviet and Chinese Communist masters, Castro's campaign to destroy representative democracy in the hemisphere became more sophisticated and more dangerous. The new tactic was to overthrow free governments by subversion from within, using and expanding on the Communist apparatus which already existed in every country."

On June 11, 1965, Castro's sister, Juanita, described her brother before a subcommittee of the House Un-American Activities Committee as a man obsessed with a desire to destroy the United States, and detailed what she called "Castro-Communist plans for intervention and aggression in the hemisphere." Earlier, in February 1963, a U.S. Senate Committee published a report entitled "Cuba as a Base for Subversion in America" which discussed at length some of the evidence concerning the role of Cuba in Communist plans for conquest of this hemisphere. The report called attention to the numerous training centers that have been established in Cuba to prepare workers for the "wars of national liberation" in Latin America. In the 1950's most of the professional revolutionaries in Latin America were trained in Prague and the Soviet Union, but in the 1960's Cuba has become a center for training activists of all kinds: leaders, orators, and propagandists; experts in sabotage, espionage, and terrorism in all its forms; specialists in the handling of arms and radio shipment, in guerrilla warfare, etc. Recruitment is carried on preferably among students, teachers.

A TRIBUTE TO SARGENT SHRIVER

Mr. MORSE. Mr. President, as do many who warmly support the war on poverty, I welcome the news that its outstanding director, Sargent Shriver, will be devoting full time to the Office of Economic Opportunity.

In the year and a half that Mr. Shriver has been directing both the Peace Corps and the war on poverty, it has been abundantly clear that his record has been replete with tremendous accomplishments.

In a nation once apathetic to the plight of the invisible poor, today poverty is an issue in every city and hamlet of this Nation. The new hopes and new programs for the betterment of our society have infused the thinking of concerned citizens and leaders everywhere with a new and positive vigor. Most encouraging is that among the most constructive voices are the voices of the poor themselves, already taking their places in the society once closed to them.

It is hard to imagine that any man could have done more to provide leadership for this immense and inspiring effort.

Yet we know that Sargent Shriver will do more. He knows no other measure of effort than the fullest and expects as much from all who serve the Nation.

It is fitting, I believe, that I take this opportunity to thank Mr. Shriver for his brilliant leadership of the Peace Corps and to assure him that we who passed the law that declared war on poverty remain committed to its aims and confident in the leadership he is providing.

OF MOVERS AND IMMOBILISTS: ADDRESS OF WILLIAM L. MARBURY, PRESIDENT, MARYLAND BAR ASSOCIATION

Mr. TYDINGS. Mr. President, I should like to bring to the attention of the Senate an address by a distinguished president of the Maryland bar, William L. Marbury, that merits consideration by lawyers everywhere.

William Marbury has long been a leader of his profession in Baltimore and throughout the State of Maryland. It is not surprising, therefore, that he should be the one to remind the organized bar that the law is a profession, and that by virtue of this fact lawyers owe special service to society and its needs.

Too often in recent years lawyers have failed to heed the "basic tenet of their profession that a lawyer is bound never to refuse to represent a litigant or a person charged with crime because his cause is an unpopular one." Too often and in too many communities the bar has failed to grapple effectively with the problem of caring for those who need legal services but who cannot afford to pay for them. Too often the legal profession at best has observed a society in the midst of inexorable change from the sidelines, or at worst has allied itself with the forces of resistance, when instead it should have been helping to direct the forces of ferment into constructive channels.

Mr. Marbury's incisive and persuasive address points out that lawyers can no longer afford to be "immobilists" in an age of dynamic change, but must measure up to their obligation to society by moving with and ahead of the social forces that are characteristic of the day in which we live.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the excellent address of William L. Marbury, delivered before the Maryland State Bar Association on Friday, January 14, 1966.

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

[From the Daily Record (Baltimore), Jan. 15, 1966]

ADDRESS OF WILLIAM L. MARBURY, PRESIDENT, MARYLAND STATE BAR ASSOCIATION, DELIVERED AT THE WINTER MEETING OF THE ASSOCIATION ON FRIDAY, JANUARY 14, 1966, AT THE SHERATON-BELVEDERE HOTEL

Forty years ago, the late Joseph C. France, thought by many to be the wisest Maryland lawyer of his generation, opened an address

to this body by remarking that the speaker on such an occasion as this was expected to deliver a sermon. Now, as my children are ready to testify, my qualifications for such a task are very limited. Certainly they are not as good as those of Dr. Oliver Wendell Holmes, whose lawyer-son complained that his father was forever inculcating virtue in dull terms. Justice Holmes went on to wonder whether if he had a son, he, in his turn, would yield to the temptation to twaddle.

It seems that even among the Olympians the inculcation of virtue has its pitfalls. But Mr. France has pointed out the path of duty in plain terms and whatever the risks, I propose to follow it. Since, then, I must preach a sermon, I have looked around for a text. I have found it in the opening paragraphs of an essay called "A Note on Progress" written by a Jesuit priest, Pierre Teilhard de Chardin. Here is the passage.

"The conflict dates from the day when one man, flying in the face of appearance, perceived that the forces of nature are no more unalterably fixed in their orbits than the stars themselves, but that their serene arrangement around us depicts the flow of a tremendous tide—the day on which a first voice rang out, crying to mankind peacefully slumbering on the raft of Earth, 'We are moving. We are going forward.' * * *

"It is a pleasant and dramatic spectacle, that of mankind divided to its very depths into two irrevocably opposed camps—one looking toward the horizon and proclaiming with all its new-found faith, 'We are moving', and the other, without shifting its position, obstinately maintaining, 'Nothing changes. We are not moving at all.'

"These latter, the 'immobilists,' though they lack passion (immobility has never inspired anyone with enthusiasm), have commonsense on their side, habit of thought, inertia, pessimism and also, to some extent, morality and religion. Nothing, they argue, appears to have changed since man began to hand down the memory of the past, not the undulations of the earth, or the forms of life, or the genius of man or even his goodness. Thus far practical experimentation has failed to modify the fundamental characteristics of even the most humble plant. Human suffering, vice and war, although they may momentarily abate, recur from age to age with an increasing virulence. Even the striving after progress contributes to the sum of evil; to effect change is to undermine the painfully established traditional order whereby the distress of living creatures was reduced to a minimum. What innovator has not retapped the springs of blood and tears? For the sake of human tranquility, in the name of fact, and in defense of the sacred established order, the immobilists forbid the earth to move. Nothing changes, they say, or can change. The raft must drift purposelessly on a shoreless sea.

"But the other half of mankind, startled by the lookout's cry, has left the huddle where the rest of the crew sit with their heads together telling time-honored tales. Gazing out over the dark sea they study for themselves the lapping of waters along the hull of the craft that bears them, breathe the scents borne to them on the breeze, gaze at the shadows cast from pole to pole by a changeless eternity. And for these all things, while remaining separately the same—the ripple of water, the scent of the air, the lights in the sky—become linked together and acquire a new sense; the fixed and random universe is seen to move.

"No one who has seen this vision can be restrained from guarding and proclaiming it. To testify to my faith in it, and to show reasons, is my purpose here."

Now that is a long text, and you may very well be wondering what possible relevance it can have to any concern of Maryland lawyers. Surely after the able addresses of my immediate predecessors in this office, we need no Galileo to tell us that the law moves. A glance at any weekly summary of important opinions will demonstrate that precedents are falling at a pace which has left the profession not exactly dumbfounded—for there has been no lack of vocal response—but certainly astonished. When Mr. France spoke, it was still possible for a lawyer to think of the law, and particularly of constitutional law, as a more or less fixed body of knowledge, the precise contours of which could be traced from a study of history and of the decided cases. To this generation such an idea is simply quaint.

But as members of the organized bar, our concern is not merely with the law. Granted that everyone recognizes that the law is moving in response to a changing society, the question remains whether the legal profession is moving with it; or are we, like Chardin's immobilists, still sleeping on our raft as it drifts into evermore troubled waters? That the waters are indeed getting pretty rough, stirred as they are by powerful currents and blasts of almost hurricane force, is known to everyone in this room. My purpose today is to consider whether we as a profession are meeting the responsibilities which new social forces have thrust upon us.

But first perhaps I should specify just what I mean by new social forces. That is not easy, since they take many forms, but all of them seem to me to spring from a single source, which may be identified as a drive toward equalization. All over the world inequalities between man and man, and I might add, between men and women, which used to be thought inevitable are now considered to be intolerable. In his recently published book, "The Garden and the Wilderness," Prof. Mark DeWolfe Howe, who holds the Charles Warren Chair in American Legal History at the Harvard Law School, has said that "when the constitutional history of the central decades of this century comes to be written, I feel quite sure that the key to an understanding of its turbulence will be the concept of equality." This seems to me to be a wise observation which has validity well beyond the confines of American constitutional law. Is it not the concept of equality which is responsible for the ferment in Asia and Africa, and which is producing new nations every few months? Is it not the concept of equality which has made elitism a naughty word among professional educators?

Winston Churchill once remarked that the days of his youth were splendid times—for the rich and well born. Some of us can still remember the golden years before World War I when the family of a successful lawyer could live a life which is today quite unattainable even by the very rich. Those days have gone, of course, and while we may suffer from occasional nostalgia, I think that most of us would agree with Sir Winston that the world is better for their passing. Few are those who would now undo the great reforms of the Roosevelt era, and if we may judge by the performance of the most recent Congress, the tremendous tide of equalization is still moving in. The goals of an awakened sense of social responsibility have not yet been met.

One of the most dramatic aspects of this worldwide drive for equality is the fundamental readjustment which is taking place all over this country in the relations between the white majority and the Negro minority. This is a subject which since the earliest days of our Nation has been the concern of lawyers. The basic contradiction between the institution of slavery and the principles announced in the Declaration of Independence and the Bill of Rights troubled lawyers from Thomas Jefferson to Abraham Lincoln. Maryland lawyers were among the first to seek a solution. Believing that separation of the races was impossible so long as they lived in the same country, the leaders of the Maryland bar took an important role in organizing the American Colonization Society, whose purpose was to free slaves, and transport them back to Africa. This effort was, on the whole, a failure, although it left a permanent mark in the establishment of the Republic of Liberia. Even more futile and far more drastic in its consequences was the attempt of a Maryland lawyer to lay this problem to rest in the Dred Scott case. The tale has been told with clarity and understanding by our fellow member, Mr. Walker Lewis, in his recently published biography of Chief Justice Taney, which every Maryland lawyer will want to read.

The Emancipation Proclamation, followed shortly thereafter by the end of the Civil War, ushered in a period of reconstruction which a new generation of historians is even now engaged in reappraising. There were those led by Charles Sumner of Massachusetts and Thaddeus Stevens of Pennsylvania, who believed that the only proper course was to rebuild our society on the premise that—to paraphrase Mr. Justice Harlan's famous remark in *Plessy* v. *Ferguson*—our society should be colorblind. Their views did not prevail, and the struggle ended with a compromise which substituted for slavery a system of subordination in which Negroes were obliged to accept the inferior role. There was no real physical separation of the races—indeed this was believed to be entirely impracticable—and Negroes and whites continued to live and work together in intimate daily contact. True, there came to be various forms of segregation for special purposes, mostly as a result of laws passed in the last years of the 19th century, but these discriminations were tokens which symbolized the inferior status of the Negro. Sitting in separate seats in railroad cars, like the universal use of first names in addressing Negroes, regardless of their age or occupation, and a myriad other similar distinctions which were so familiar to us that we tended to be unconscious of them, were all intended to and for years did serve to keep the Negro "in his place."

The researches of historians have now made it clear that under the influence of Booker T. Washington the Negro leadership accepted this compromise very reluctantly and only as a temporary expedient necessary to the transition from slavery to full equality. By the end of World War I the compromise had begun to wear thin, and Adolf Hitler, with his odious persecutions based on racial theories, completely undermined it. Promptly at the end of World War II, the issues which were thought to have been settled when the period of Reconstruction came to an end, were reopened.

Ironically enough, during the same period, largely as the result of the development of transportation by motor vehicle, our great urban centers began to be transformed into inner cities inhabited almost exclusively by Negroes, surrounded by white suburbs. For the first time in our history, physical separation of the races became a reality, and the word "ghetto" has become as familiar to us as it was to the people of Eastern Europe prior to World War II. Whereas before the Negro played a definite, if inferior, role in our society, he has now begun to feel excluded from it altogether except when the policeman or the tax collector or the draft official arrives at his door.

The consequences of this alienation have been analyzed in hundreds of publications ranging from studies by learned sociologists to novels, poems, and plays by writers of varying talents. To the student of the history of Israel, there is little that is novel in this outpouring of words. The feelings of those who find themselves among the alien corn, have not changed very much. What those feelings are, the occurrences in the Watts district of Los Angeles of last summer make all too clear.

That this great movement has had its effect on the law, no one can dispute. I will not bore you with a recital of the extensive changes in substantive and procedural law which are directly traceable to this source. What I am concerned with here is its significance to lawyers as a profession. Let me try to explain what I mean. You would agree, I am sure, that a basic tenet of our profession is that a lawyer is bound never to refuse to represent a litigant or person charged with crime because his cause is an unpopular one. Many of you have taken or at least heard the oath administered to lawyers when they are admitted to practice before the U.S. District Court for the District of Maryland. I often think that if the medical profession has its Hippocratic oath, we, too, can exhibit an equally lofty statement of our professional commitment. You remember what it says:

"You will never reject from any consideration personal to yourself the cause of the defenseless or oppressed."

Do we as a profession live up to what we so nobly profess? In June of 1963, at the suggestion of President Kennedy, a committee of lawyers was organized to protect the civil rights of all citizens. This committee was made up of leaders of the bar from all parts of the Nation, many of whom had been presidents of the American Bar Association or of their State bar associations. Under the direction of that committee a careful study was made to determine whether those involved in cases where civil rights are affected are receiving adequate representation from the legal profession. The answer, unfortunately, was all too clear. The lawyer who is willing to handle a civil rights case is a rare bird indeed.

At the meeting of the American Bar Association held in Miami last August, the chairman of the Lawyers' Committee for Civil Rights Under Law announced the opening of a law office in Jackson, Miss., to provide legal representation in civil rights cases. That office has a small permanent staff made up of lawyers from California, New York City, and Washington, D.C. In addition, it has the benefit of the volunteer services of young lawyers with trial experience who are associated with leading law firms throughout the country and who are willing to serve a 1 month hitch in Mississippi.

Now the significant thing about this is that at the Miami meeting the President of the Mississippi Bar Association gave his warm endorsement to this work of the Lawyer's Committee and requested all members of the bar of his State to give these visiting lawyers all possible assistance. The reason for this receptive attitude on the part of the Mississippi bar may be found in a report recently made by the Civil Rights Commission after extensive investigation made by its staff in Mississippi and after considering voluminous testimony given at a public hearing held in that State. Dean Griswold, who was a member of that Commission, summarized that report in the flat statement that "there are no white lawyers in Mississippi who will ordinarily handle a civil rights case." So you see that these young lawyers from New York, Chicago, Philadelphia, Detroit and Washington—and I am happy to be able to add, from Baltimore—are upholding the honor of the profession, which has been sadly tarnished by the failure of the local bar to live up to its responsibilities.

Now, of course, the condition described by Dean Griswold is not confined to the State of Mississippi. There is, for example, the case of the young Harvard Law School student, Fred Wallace, who decided to spend his vacation in Farmville, Va., clerking for the only Negro lawyer in that community. Farmville is in Prince Edward County, which, as you all know, closed its public schools rather than to comply with the mandate of the Supreme Court in *Brown* v. *The Board of Education*. The result was that the Negro children of the county went without schooling for many years, during which their rights were continuously in litigation. As the result, feelings in the community were aroused to a high pitch. One morning the student was sent by his employer to deliver a message to the local judge at the county courthouse. As he approached the judge's chambers a deputy sheriff who did not know him demanded to know what he was doing there. After what appears to have been a display of bad manners on both sides, a physical struggle took place, in the course of which the sheriff's finger was trodden upon and began to bleed. The student was promptly taken into custody and charged with assault with intent to kill.

The dean of the Harvard Law School, believing, not without reason, that the student needed to be represented by a white lawyer of standing in the community, appealed to the head of the Lawyers' Committee for Civil Rights, who, in turn, asked the dean of the Law School of the University of Virginia for suggestions. Dean Ribble recommended that George Allen of Richmond be asked to take the case. Mr. Allen, who was then nearly 80 years of age, is a native of Prince Edward County and is well known at that bar, although his principal reputation has been made in Richmond, where he has gained recognition as the leading plaintiff's lawyer in the State and has been elected to the presidency of the Richmond Bar Association. He agreed to represent the student, but said that he would need the services of a member of the Prince Edward bar as local counsel. He then approached every lawyer at that bar and was turned down by every single one of them, although many of them had been associated with him in civil cases. He promptly filed a motion to transfer the case to the Federal court and gave as one of his principal grounds the fact that no Prince Edward County lawyer could be found who was willing to appear for the defendant. Incidentally, the American College of Trial Lawyers gave its first award for fearless advocacy to George Allen at a meeting held in Miami last August, which was attended by the then president of the American Bar Association, himself a Richmond lawyer.

Let me give you one more illustration. You all remember the libel suit in which the police commissioner of Montgomery, Ala., obtained a verdict of $500,000 against the New York Times, which was later set aside in the Supreme Court of the United States. Perhaps you may have wondered why the Times chose to be represented in the courts of Alabama by a New York lawyer. The answer is that New York counsel attempted unsuccessfully to obtain the services of an Alabama lawyer who was qualified to handle a case of that character. Not one of the leading law firms in that State would handle the case. This is not so surprising when you remember that a well-known Alabama lawyer was subsequently thrown out of one of the most prominent law firms in the State because he agreed to defend an FBI informer in a suit for counsel fees brought for services rendered in a case in which the agent had been indicted and had given evidence against his codefendants charged with the murder of a civil rights worker.

You may say that all these examples have arisen south of the Potomac, but I wonder whether, given a similar state of public feeling, the Maryland lawyer would be willing to pay the penalty which might be exacted from him were he to perform his plain professional duty. I do not remember that reputable members of this bar were anxious to represent persons charged with violations of the Smith Act or other allegedly communistic activities. The truth of the matter is that there are few John Adams' among us. You will recall that he gained an undying reputation for courage by defending the British soldiers who were indicted for murder as the result of the Boston Massacre. Nowadays a Massachusetts lawyer can gain a national reputation for courage simply by representing high-ranking Army officers before a congressional committee.

Here, it seems to me, is an area into which the profession should move. We simply cannot expect the individual lawyer to run the risk of social and professional ostracism which the representation of the unpopular cause sometimes brings, and we should be ashamed to try to cover the situation up by mouthing sanctimonious hypocrisies. I suggest, therefore, that it is the responsibility of each local bar association to take the necessary steps to make competent counsel available in such cases. We can, of course, help by contributing funds and services to volunteer organizations such as the Lawyers' Committee, but it seems to me that what is needed is recognition that this is a responsibility of the organized bar. When cases arise such as that which recently occurred in this State when young William Murray spent a substantial time in jail under a clearly illegal sentence, it should not have been necessary for the president of your association to act on his own initiative in order to make sure that this young man had adequate representation. We are all deeply indebted to Mr. Charles Evans, Mr. Joseph Kaplan, and Mr. Leonard Kerpelman for upholding the honor of the Maryland bar, but would it not have been better if a committee of the bar association had been in existence, charged with responsibility for making legal services available under such circumstances?

Let me turn to another aspect of the subject. One very unpleasant consequence of the increasing alienation of the Negro community is the hostility of a great many decent Negro citizens toward the police. This is a very serious situation which has been recently exacerbated by the destructive tactics of some who hold positions of leadership in the Negro community, aided and abetted, I regret to say, by naive journalists who have only a superficial knowledge of the problem. I do not for a moment suggest that there has not been fault on the side of the police, although it is certain that the charges of police brutality are exaggerated. This whole subject has received patient and sympathetic study by a representative biracial committee which recommended a plan designed to assure the community that charges against the police are not simply swept under the rug. The complaint evaluation board is not and was never intended to be a review board, holding hearings and usurping the disciplinary responsibilities of the police commissioner. Its single responsibility is to evaluate complaints, make sure that they are thoroughly investigated, and to see that charges are brought when they should be brought. That is as far as the board was intended to go and, in my opinion, as far as it can go without impairing the morale of a police force already buffeted by unprecedented problems of law enforcement arising out of the social forces which I have attempted to identify.

Another result of the drive for equalization is the proposal of the Office of Economic Opportunity to contribute to the support of approved plans developed by local organizations for the purpose of making legal services available to the poor. This is not the time or place to evaluate the Great Society or to compare it with its competitors. However, the upheaval in the Baltimore City Bar Association which followed upon the recent approval by the executive committee of that association of a plan for expanding the work of the Legal Aid Bureau with the aid of Federal funds, has focused attention once more on the age-old problem of legal

assistance to the poor. Every lawyer recognizes an obligation to furnish legal services to those who cannot pay for it, but the time has long since gone by when the volunteer service of the individual lawyer can pretend to meet the needs of the poor for legal advice and assistance. We can, of course, contribute to the Community Chest and thus indirectly to the Legal Aid Bureau, but the plain fact is that if every dollar contributed by lawyers to the Community Chest were channeled into the work of the Legal Aid Bureau, it would still not have nearly enough money to fill the need. If we are honest with ourselves, we are bound to admit that lawyers have fallen far behind the medical profession in caring for those who cannot afford to pay for their services. Yet I venture to say that most lawyers welcomed the passage by Congress of the recent program of federally financed medical care. Certainly, very few lawyers would withhold governmental assistance to hospitals caring for the indigent sick. In the words of Chief Judge Markell, to do so would be to return to the "bow and arrow days."

Now I realize that there were at that meeting some who found fault with details of the plan which had been approved by the executive committee and others who felt that it should have been more thoroughly considered and explained before its approval. With them I have no quarrel, but unless I misunderstand the tenor of some of the speeches which were made on that occasion, objections were voiced to the plan which were far more deep seated. Not only was there hostility to the use of tax money for any such purpose, but there was a suggestion that any organization engaged in supplying legal aid to the poor by making available the services of a staff of paid lawyers was in some way violating the canons of professional ethics and destroying the profession. I could not help wondering whether the speakers had ever heard of the legal aid bureau or had any knowledge of what it has been doing for the past 54 years.

But I do not propose here to argue the merits of any particular plan. The president of the Bar Association of Baltimore City has appointed a committee to study that matter, and I am pleased to note that one of its ex officio members is also the chairman of the committee on legal services of this association. What I do suggest is that the time has come for Maryland lawyers to face facts. It is an undeniable fact that there are thousands of men and women in this State who need the services of lawyers in civil matters and who do not get them. Most of them know no lawyers and, indeed, fear them. Their contacts with the law have not been such as to make them think of the lawyer as the protector of the poor and oppressed.

Recently I got a call from a man who used to work as a servant in my mother's household. He had bought a household appliance on the installment plan under a contract which guaranteed service for a specified period. The appliance had proven to be defective, but repeated letters and telephone calls asking that the defects be corrected had been ignored. Finally he had declined to make payment of an installment and sent a letter explaining his reasons. In reply he had received a form letter advising him that unless the payment was made by a specified time, the appliance would be repossessed. I asked one of the young men in my office to look into the matter. He made one telephone call. The next day I got a call from my client telling me that the appliance had been fixed and expressing his profound gratitude. I replied that I had done very little—just had one of my associates put in a telephone call. "Mr. Marbury," he replied, "It all depends on who does the calling."

That man knew a lawyer to whom he could turn for help. There are thousands like him who do not and who, in like circumstances, would simply have suffered the loss of the payments which had been made on the appliance. I do not doubt that there are dozens of such occurrences every day throughout this State. Each one is a bit of social dynamite, ready to explode at the first spark. Do we not, as a profession, owe a duty to grapple effectively with this problem? Or shall we continue to sit with our heads together, telling time-honored tales about our glorious profession and its readiness to serve the poor?

You will have noted that I have said nothing about the representation of the indigent charged with crime. Frankly, I think that subject has not lacked for discussion. One trouble is that we do not yet fully understand the rules of the game. There is still a heated controversy as to when counsel must be supplied to persons who are taken into custody by the police. Law journals are filled with polemics on this subject, and the interchange of letters between the Attorney General of the United States and the Chief Judge of the U.S. Court of Appeals for the District of Columbia has become notorious. No doubt in time the full scope of the Gideon and Escobedo cases will be determined and the profession will by necessity have to devise methods for discharging the responsibilities which will automatically fall upon the bar. In the meantime, let us take care that vested interests are not established which it will be difficult to eliminate. All history teaches us that the dispensation of patronage is a corrupting force which should as far as possible be removed from the hands of those who should be above politics. It is a cause of genuine concern that our judges now have the responsibility for dispensing such large sums in the way of compensation to compel appointed to represent indigent defendants in criminal cases. Here again it seems to me that the profession should be moving to devise adequate methods for coping with a new situation. We have made a beginning in that direction, but much remains to be done.

There is one aspect of equality which all admit should be the special concern of lawyers. The phrase "equal justice under law" expresses the highest aspiration of our profession. It is trite to say that to be equal, justice must be speedy. Everyone knows that the financially weak litigant is obviously the greater sufferer from the law's proverbial delays. It is now 60 years since a young Nebraska lawyer named Roscoe Pound startled the members of the American Bar Association by delivering an address entitled "The Principal Causes for the Public Dissatisfaction with the Administration of Justice." One of the striking points which he made was that in England and Wales 95 judges seemed able to handle with expedition and in a manner which set a standard for the rest of the world, all the civil litigation, both at the nisi prius and appellate level, generated by a nation of 32 million people. I cannot help wondering what Dean Pound would think if he could be told that in Maryland, in 1966, 69 judges are getting far behind in the attempt to handle the litigation of a community of roughly 3½ million people. Not more than one-third of the time of our judges is devoted to criminal cases, and to offset this it must be remembered that the English courts handled bankruptcy, admiralty, and probate matters, as well as much other civil litigation which under our system lands in the Federal courts. So the comparison is pretty devastating.

You all know what the trouble is. Our judicial system is based on geographical divisions which make no sense today; the best available men are too often not appointed to the bench; we continue to admit to our bar men and women who have not had the necessary preparation in order to enable them to assume the responsibilities of a member of our profession, many of them graduates of schools which are not even accredited; we do not afford practicing lawyers the opportunities for continuing legal education which they need to keep abreast of a constantly changing legal system; we have failed to make full use of tested methods of expediting the disposition of cases, such as the pretrial conference; our criminal law is a patchwork full of pitfalls for the unwary.

I could go on with this dreary rehearsal, but you have heard it all before. Indeed, it is only fair to say that lawyers as a profession and, in particular, Maryland lawyers, are struggling with these problems. The committee on judicial administration of this association has begun the task of modernizing our judicial system. Our committee on judicial selection is striving to improve the method by which our judges are chosen. Our committee on legal education is trying to raise the standards for admission to the bar and to eliminate the law schools which are not accredited. Our committee on continuing legal education is trying to make available to lawyers throughout the State the opportunity to keep abreast of developments in the law. I might add that we have an active section on criminal law which is taking an important part in a general revision of our criminal statutes which has been undertaken by the Governor's committee headed by former Chief Judge Brune. Furthermore, your board of governors has recently approved the appointment of a committee representing not only this association but also each of the county bar associations who will, it is hoped, render active assistance to the Governor's commission on a constitutional convention.

In these respects, at least, we are moving forward, although, we must admit, not as rapidly or as effectively as might be hoped. The truth of the matter is that until the Maryland Bar Association speaks with the voice of the entire profession, we shall not do what we could and should be doing even in this specialized field of our own expertise. But that is another story, about which you will be hearing a good deal during the coming months from a committee on unifying the bar, whose members have just been appointed by the board of governors.

You will think, perhaps, that I am asking too much of the organized bar to expect it to cope with all of these problems. I should point out to you, however, that the young lawyers who are now coming to the bar seem far more eager than their elders to undertake these tasks. Apparently our law schools are inculcating in their students a greater sense of social responsibility than was common a generation or more ago. These young men and women, taking them by and large, are anxious to come to grips with the vexing problems which I have attempted to present to you today. We, their elders, can, of course, surrender the task into their hands, but I suggest that our leadership is still needed, or else for what have we lived so long?

GENERAL REEVES DISCUSSES THE STATE OF ALASKA'S DEFENSES

Mr. GRUENING. Mr. President, last Monday Lt. Gen. Raymond J. Reeves, commander in chief of the Alaskan command, gave an important address at the weekly meeting of the Anchorage Chamber of Commerce. In it he outlined the present status and posture of the Alaskan command and its relation to global events.

As one who has long been concerned that Alaska defenses be kept adequate, which for many years they were not, General Reeves' analysis of the present

situation is of interest to all who realize the importance of Alaska to our national defense.

It is still true, despite changing fashion of weaponry, and the growing importance of missiles, that Alaska's strategic importance to the United States is undiminished. Fronting as it does on the Arctic, both an airways and submarine seaways of growing importance in our time; lying as Alaska does within naked eye's view of Soviet Siberia, it is no less true today than it was when 31 years ago Billy Mitchell uttered his great wisdom that:

Alaska is the most important place in the world for aircraft, and he who holds Alaska, holds the world.

General Reeves' estimate is that Alaska defenses have not been substantially diminished despite the recent withdrawal of the 317th Fighter Squadron—against which Senator BARTLETT and I felt obligated to protest—but are being kept up to full adequacy.

I ask unanimous consent that General Reeves' speech be included at the close of my remarks.

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

ADDRESS BY LT. GEN. RAYMOND J. REEVES, COMMANDER IN CHIEF, ALASKA, AT MEETING OF ANCHORAGE CHAMBER OF COMMERCE, ANCHORAGE, ALASKA, JANUARY 17, 1966

Since my assignment, 2½ years ago as commander in chief, Alaska, I have had one of the most challenging and, to me, one of the most rewarding assignments in the Armed Forces. It is a vital and interesting position, for not only is it a joint command, where all services are welded into a unified force which forms the first line of defense for North America from a potential attack over the Arctic, but also, because it is located in a new State, still challenging to all newcomers. My purpose today is to discuss the current world situation, some of the recent changes in our Armed Forces, including those in Alaska, and lastly, to give you some of my thoughts as to the future posture of the military in the 49th State.

Notwithstanding the many difficulties now being experienced within the Communist camp, as long as political and economic instability continue to exist in so many countries around the world, both the U.S.S.R. and the Chinese Communists will find many low-cost opportunities to carry on their assault on freedom and to spread the subversive Communist doctrine. This, despite a most significant development—the public airing of the dispute between the rulers of the Soviet Union and Communist China. It is now quite clear that we are witnessing more than a disagreement on methods and strategy in opposing a free world. The bitterness with which the dispute has been waged has already led to almost total cessation of economic cooperation and has split the worldwide Communist movement. This dispute between the Soviet Union and Communist China is not over the ultimate objective, but rather, how it is to be achieved and who is to control the worldwide Communist movement. Nevertheless, both the Soviet Union and Communist China have shown that they are as eager as ever to create difficulties for the free world, whenever and wherever they can do so safely. Expansionism is so deeply engrained in Communist doctrine that it would be naive for us to expect any Communist leadership to repudiate it. Thus, we can expect, in spite of their differences, continued pressure from the Communist camp.

Limitation of this expansionism during the past few years is due in large measure, I believe, to the systematic buildup since 1961 in our own military strength, both for general and for limited war. Some examples of this buildup are:

1. Emplacement of over 850 land based intercontinental ballistic missiles plus deployment of over 450 Polaris missiles on Polaris submarines.

2. A 300-percent increase in nuclear warheads, with a 200-percent increase in total available megatonnage.

3. A 100-percent increase in airlift capability with a 600-percent increase programed by 1970.

4. A 50-percent increase in tactical fighter squadrons.

5. An 800-percent increase in special forces.

6. A 45-percent increase in the number of combat-ready Army divisions.

Not only has our strategic retaliatory force maintained its predominance vis-a-vis the Communist bloc, namely the capability of destroying the target systems of both the Soviet Union and Communist China, even if we were to absorb an initial surprise attack, but also, our capability to respond to a wide variety of less serious situations has improved markedly.

With this picture in mind, let us look at some of the changes and developments in our Armed Forces. As you know, Secretary of Defense Robert S. McNamara recently announced details on 149 actions to consolidate, reduce, or discontinue Department of Defense activities in the United States and overseas. When completed, these actions will produce annual savings of $410 million and reduce personnel by 53,000 without decreasing military effectiveness or limiting our current and future activities in southeast Asia.

These actions produce a great deal of publicity, especially in those areas where entire installations are closed. Unfortunately, many people get the impression that we are decreasing our national defense posture. Actually, these consolidations and base closures are taking place while the capability of our Armed Forces is being altered and improved so as to be increasingly responsive to the situation in Vietnam while at the same time maintaining our worldwide strategic posture. For example, the basic bomber force of the Strategic Air Command is being adjusted while maintaining the required strategic nuclear capability. This is being accomplished by phasing out of the inventory all B-47's, the older models of the B-52 bombers and all B-58 bombers—well after our strategic nuclear capability of intercontinental ballistic missiles and Polaris missiles has been increased to offset the phasedown of bombers. In this connection, there are no plans to eliminate bombers completely from the strategic forces. Secretary McNamara recently announced plans to build a new force of bombers to take the place of those being phased out of our strategic bomber force. The new bomber, to be known as the FB-111, will have twice the speed and a comparable range to the early model B-52. The FB-111 will be a modified version of the F-111, a tactical fighter bomber now being developed for both the Air Force and the Navy. Authorization for the $1.75 billion program will be sought from Congress as part of the Defense Department's request early in 1966 in order to attain an operational capability in 1968. At the same time, the strength of the Army is being increased by 1 division, making a total of 17, plus activating 3 brigades, a large number of helicopter companies and other supporting units. This will increase the Army's strength by about 235,000.

Some 30,000 additional military personnel are being provided for the Marine Corps to augument existing units such as helicopter squadrons, and communication, engineer, and military police battalions.

The increased tempo of attack carrier operations and the intensified coastal patrol off Vietnam require a small increase in the number of active ships in the Navy, as well as an increase in the manning of the ships deployed to that area. Therefore, some 36,500 additional personnel are being added to the Navy.

Additional bombing sorties, and more tactical fighter and troop carrier squadrons will be supported with an increase in Air Force strength of about 40,000.

These technological adjustments and force increases will provide a better balanced posture by expanding the variety of military options available to our policy makers. We have to be able to deal rapidly and effectively with threats to our security, not only at the level of all-out war, but also at levels of limited war and guerrilla action. We must be prepared for contingencies involving conventional or nuclear weapons or both.

I would like now to summarize for you the changes which have or will take place in the Alaskan Command. Some of these changes are the result of technological changes and are generally long-range in character. Others are more directly related to the situation in South Vietnam, and therefore, are more temporary in nature. In each case, I shall try to give you a feel for the impact on the Alaskan Command as well as any follow-on changes which may result.

As announced in the Department of Defense consolidation and reduction program, the 317th Fighter Squadron at Elmendorf Air Force Base is programed to be deactivated by July 1, 1967. The program also will return the land of the inactive Naval installations at Attu and Dutch Harbor to the State of Alaska. I am sure you are as proud of the record of the 317th as we are. It is the only unit which has twice won the coveted Hughes Trophy for outstanding performance. The 317th has F-102 aircraft assigned and has had F-106 aircraft assigned to it from the continental United States.

Prior to the deactivation of the 317th, we plan to receive a more sophisticated weapon system here in Alaska. This capability will be provided by a rotational squadron of F-4C Phantom jet fighters. These advanced multi-capable aircraft will be under my operational command while in Alaska. By rotating these aircraft, the Air Force will benefit greatly through the training of large numbers of aircrews in the Arctic and sub-Arctic environment.

Further, we will still have the two NIKE Hercules battalions of the U.S. Army, Alaska to defend the Anchorage and Fairbanks areas against air attacks.

In addition to the scheduled phaseout of the 317th Fighter Squadron, there are other program changes.

One of these changes involves the F-4C Fighter Squadron which was assigned to the Alaskan Command, on a rotational basis, last September.

Because of the increasing scope of U.S. Air Force worldwide commitments, the 389th Tactical Fighter Squadron of the F-4C Phantom II jets was not replaced immediately after its rotation from Alaska in December. As in the past, Alaskan air defenses will be maintained in the immediate future by the F-102 Delta Darts of the 317th Fighter Interceptor Squadron, augmented by supersonic F-106 Delta Daggers on rotation from the Air Defense Command, and the Army's Nike-Hercules battalions.

Another change involves the Strategic Air Command B-47 unit at Elmendorf. As has been previously announced, all B-47's of SAC will be phased out by July 1, 1966. The SAC unit at Elmendorf is included in that phaseout and it has already redeployed its aircraft. These are actions primarily affecting the Air Force. Current programs for the Army and Navy components in Alaska provide for

a continuation of almost the same overall strength levels we have today.

Alcom is also assisting the effort in Vietnam by supporting the Military Airlift Command (formerly MATS) program of supplying Pacific bases by airlift. As I have previously announced, this program is now underway and will accelerate sharply this year. At present, there are over 30 C–141's, as well as 150 other cargo aircraft utilizing Elmendorf each month en route to and from southeast Asia. By June 1967 there will be more than 810 C–141 landings at Elmendorf each month. The total capability to support military operations in the Pacific area by Alcom, via airlift through Elmendorf Air Force Base, must be assured if we are to retain this very large and important mission. This requires, among other things, a continuous and reliable petroleum resupply system. In our opinion, this can best be accomplished through construction of a pipeline from Whittier to Anchorage.

I think it will be helpful to take a look at some of the economic aspects of the Department of Defense. For over a decade, the Department of Defense has absorbed half of every dollar paid in taxes, and Defense's inventory of real estate and equipment is worth over $150 billion. There are also millions of Americans working for industry in jobs directly related to the needs of national defense and even minor changes in the spending policies of the Department can have profound effects on the whole American economy.

What we will spend for our national security in the fiscal year ending next July exceeds, by several billion, the total sales of the country's 10 largest corporations. I think it is quite clear that this country can afford these tremendous sums, which are the price of national security and that, in fact, we could afford to spend more, if that were judged necessary. Whatever the cost of freedom, we can pay the price, but, this does not justify ineffective defense spending or waste. Some of the changes I have discussed are the result of this continuing emphasis on economy even during the current buildup.

To bring this picture a little closer to home, I would like to review for you some of the economic aspects of the Alaskan Command. We have a very large military investment in Alaska with a total of over $2 billion in just the real property and in-place equipment and supply items necessary to support our forces. One of the most significant features is our average annual expenditure in Alaska. Expenditures on civilian payrolls, supply purchases, and maintenance contracts average $137.5 million annually. Adding the money spent on military payrolls, troop subsistence and new construction, results in the military here spending $290 million a year for its operations—most of which is spent within Alaska and is certainly a significant factor in Alaskan economy. We do not foresee any big change in the overall military investment and annual expenditure in Alaska because from a military point of view, Alaska possesses several outstanding assets:

First, while Alaska is U.S. soil and a State of the Union, nevertheless, it is, strategically speaking, an overseas area. However, since it is a State, we are not subject to the many international restrictions which complicate our operations in other overseas areas. Further, the military force here does not contribute to the gold flow problem as in some overseas areas.

Second, Alaska has a favorable strategic geographical location. This is shown graphically by the increased use by civil airlines of the polar air routes and the increase in activity at Elmendorf resulting from the buildup in southeast Asia. The movement of more military personnel and cargo through Alaska is taking place because the air route distance from the continental United States to southeast Asia, via Elmendorf Air Force Base, is shorter than the air routes from the continental United States to southeast Asia over the mid-Pacific.

Third, the accommodations and training environment in Alaska for additional military forces are in being, and are outstanding. The developed military bases and facilities are ideal for handling and supporting tactical troops. The terrain, the climate, and the availability of the area make Alaska an extremely valuable training area, especially when compared with the problems of securing training areas in the more populated areas of the other States.

In short, I believe Alaska will continue to have substantial military forces stationed here.

Looking into the future, however, we see no great change in our contribution to the Alaskan economy, but we do foresee that our relative importance will decline because this State is just starting to grow. Your future delights us, and we will continue to play our part in your development, as well as in the national defense. In this connection, I would like to depart for a moment from purely military matters, and point out to you what has happened in other areas and how it relates to Alaska.

First, in predicting the future of Alaska, a globe of the earth is more useful than a crystal ball. By looking at a world globe we can see, at a glance, the population centers and we can locate those nations which are economically or politically important. Now, when surface ships were the main or sole source of transportation between these world centers, we know that points along the way grew and prospered.

Hawaii, for example, has prospered for many reasons, but primarily because it became an important crossroad in Pacific surface shipping. Hawaii had the good fortune to be ideally located on some of the main shipping routes. For the same reason, Hawaii has had the distinction of being the aerial crossroad of the South Pacific. The flow of passenger and cargo traffic by aircraft is steadily increasing, and it is already evident that Alaska's role as an intercontinental aerial crossroad is growing. More people are learning what Alaskans have known for a long time—that is—that Alaska lies on the great circle route from the continental United States to the Orient, as well as the transpolar route between Europe and the Orient. The flying weather in Alaska is good—far better than is generally known.

I have reported to you that at Elmendorf Air Force Base we will have, in the years just ahead, a substantial increase in military air traffic through to the Orient. This is a good sign for Alaska's growth. We have here a good location for intercontinental air travel and, I believe, that there is a clear opportunity to profit from Alaska's strategic location.

Speaking further of Alaska's growth potential, I believe tourism will increase at a rate which will astound the average Alaskan. A military transport which is capable of carrying almost 200,000 pounds is now being developed. It is conceivable that a commercial version could carry 500 to 550 passengers and be operating early in the 1970's.

A reduction in air fares could be expected. Commercial air travel is becoming less expensive with the development of more efficient aircraft. Tourism will get another boost from a change in the size of the market or the level of income throughout the world. In the United States, for example, the average family income which stood at $5,900 in 1962 is estimated at over $10,000 by 1975. There is a growing number of healthy, retired persons who make up a sizable portion of the tourist business. They are the most important tourist market. In the United States, for example, corporate retirement funds now total well over $44 billion and are rising sharply from year to year. This is only about one-third of the total of all pension or retirement reserves. There will be a corresponding growth in nontourist travel, that is, those who have a primary purpose other than pleasure of travel itself. Those will be the people who travel about the world on scientific, professional, educational, or governmental business. In 1964, Alaska had an influx of about 75,000 visitors and it has been estimated that by 1975, the annual visitor arrivals in Alaska should be about 450,000 and should be increasing by about 18 percent per year.

Going back to Hawaii, in 1954, there were about 75,000 visitors to Hawaii, or about the same as in Alaska in 1964. This year, 1966, arrivals in Hawaii will exceed 600,000 and in another 10 years, 1,500,000.

This tourism outlook alone should be most encouraging to Alaskans. I would like to point out that we send back to the other States more than 10,000 Alaskan ambassadors each year. These are the Alaskan servicemen who have completed a tour here, and who then go back to cities and homes throughout our country where stories of their experiences here create interest in Alaska. These men, who with their dependents, make up a force of perhaps 30,000 adult spokesmen, can do a great deal to dispel any misconceptions about Alaska. By your interests and actions, you, the people of Alaska, have evolved into an important segment of our Nation, and you are in the mainstream of the national effort, as well as the mainstream of worldwide jet travel. I have no doubt that this evolution will continue and that the future will bring increasing Alaskan support to our national objectives, as well as increasing prosperity to your forward-looking State.

In summary, we don't know what specific changes in weapons and strategy the future will bring, no one knows; I can only assure you that the Department of Defense and the Alaskan Command are committed to providing the best defense possible to meet the current world situation. Neither you nor I want to see unnecessary defense spending. We want the best defensive effort that our tax dollars will buy, and this can be accomplished only by continuing to change the defense posture to keep pace with the changing threat and the advancement of applied scientific and technical knowledge.

Some of these changes will involve reduction or elimination of some military units; others will require addition or strengthening of some military units. There will be more changes in the military programs in Alaska, and we have made classified presentations and recommendations to the Joint Chiefs of Staff in Washington, D.C., in line with our future requirements. Whatever changes are required, the Alaskan Command will continue to serve, not only as an important part in the defense of Alaska and North America, but also as friends and supporters of this great State.

WHY NOT WITHOUT FRANCE?

Mr. PELL. Mr. President, Prof. Elliot R. Goodman, of Brown University in Providence, R.I., has established a remarkable record when it comes to knowledge and experience in NATO affairs. He has served as a NATO research fellow and has written a great deal on the subject.

In addition, his services in helping me at NATO parliamentarian meetings that occurred in May and October of this past year were great.

He has written an excellent piece that appeared in the Providence Journal of January 16, 1966, offering various

thoughts on NATO. Since his article contains much wisdom and delineates many of the problems remarkably clear, I thought it might be of interest to my colleagues, and for this reason, I ask unanimous consent that it be printed in the RECORD.

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

WHY NOT WITHOUT FRANCE?

(By Elliot R. Goodman)

NATO is in transition.

The forthcoming spring meeting of NATO defense and foreign affairs ministers will presumably consider French proposals for reform of NATO. Reform, as viewed by President de Gaulle the disintegrator, is a euphemism for unscrambling the NATO omelet and reducing the present integrated and highly interdependent defense arrangements to the status of a classical 19th century military alliance.

If, as seems likely, the French will stand alone, what attitude should the other powers assume? Should they do all they can to appease General de Gaulle and therefore water down the effectiveness and credibility of their common commitments? Or should they note with regret French self-isolation, and reaffirm their common commitments?

Beyond that, should they actively plan for the French withdrawal from NATO when it becomes legally permissible in 1969, as General de Gaulle himself has threatened to do in his September 1965 press conference, should his allies not agree to remodel NATO according to his wishes? And could not this new NATO, though weakened by French absence, also mark the beginning of a rejuvenated and modernized structure which could prove to be a greatly strengthened, more effectively integrated entity, once it is freed of the drag of Gaullist obstructionism?

HARD CHOICES SOON

These are the types of alternative policies that are currently being pondered in the chanceries of the NATO nations, since sometime soon hard choices will have to be made. Contingency planning is already well underway in the State Department in the eventuality of a French withdrawal. This is as it should be, since realistically the fate of NATO, and with it the prospect for developing related cooperative arrangements among the advanced industrialized nations of the West, will depend on the character of American leadership. For the past year or more the Johnson administration has assumed an extremely passive attitude toward NATO affairs, but this policy of drift cannot, or at least should not, go on forever.

One element in making the proper decisions is the degree of public awareness of the crucial nature of the decisions involved, and the extent to which the articulate spokesmen who help formulate public opinion can be brought to bear upon these issues. It is in this connection that Dr. Timothy Stanley's searching examination of NATO can be extremely useful. ("NATO in Transition: The Future of the Atlantic Alliance," by Timothy W. Stanley. Praeger $7.50.)

While Stanley is speaking for himself, he nonetheless speaks with considerable authority, since he has long been associated with NATO policy planning in the Department of Defense and is currently working in the Paris NATO headquarters as an aid to U.S. NATO Ambassador Harlan Cleveland.

TRANSITION

The central theme of his book is that NATO should be viewed as living through a transitional stage, moving from the performance of its traditional task of preserving security in the Atlantic area to providing leadership in building a broader world order. In theory, the countries of the West have the capabilities for attacking the seemingly insoluble difficulties in fashioning a viable and stable world order. But this highly desirable objective calls for a political cohesiveness, if not a consensus, which presently does not exist. One might even question the possibility of NATO continuing its traditional security role in the Atlantic area, in the face of the Gaullist critique.

Dr. Stanley points out effectively that the consequences of a Gaullist policy would be a strategic divorce between the United States and Europe, and with it the end of NATO.

The "force de frappe" is not really designed to be used independently to attack Soviet cities, since this would be committing national suicide for France. Therefore, "the problem is one of France claiming to have an 'independent' trigger to the U.S. strategic forces," thereby making "the 'force de frappe' a potential 'detonator' for the overall strike forces of the alliance. Indeed, it is this blackmail potential against the United States which the French tacitly rely upon to compensate for the unilateral ineffectiveness of their national forces in relation to a major nuclear power like the Soviet Union."

A situation of mutual mistrust arises: General de Gaulle feels that vital decisions cannot be left in the hands of the President of the United States, while Washington feels that it might be in the intolerable position of being triggered into war by the "force de frappe."

"There is little doubt," Dr. Stanley continues, "that in a tense situation in which France threatened to employ its strategic nuclear forces independently, the United States would be compelled to disassociate itself—publicly and perhaps dramatically—even from such a close ally as France.

"Thus a vicious cycle could start in which the fact of national nuclear forces in Europe would lead the United States to reconsider the automaticity of its commitment to European defense. In practical terms, this could mean a phaseout of American power from the Continent and a withdrawal not only of nuclear forces, but of the six divisions which we now maintain there.

"That this would be disastrous for Europe as a whole is clear. The result would be a Europe inadequately defended by its own forces, unprotected by the United States, and subject to easy neutralization by the Soviet Union. The key objective of Soviet policy since the war—to drive a wedge between America and Europe—would thus have been achieved in spite of, not because of, its aggressive nature."

UNIFIED STRATEGY

The missile era, Dr. Stanley reasons, quite correctly, demands a unified strategic approach on an intercontinental scale. Even better, wherever possible, the defense of the West should be conceived as a global problem. The author provides a long and coherent account of the current U.S. defense doctrine of a flexible response and corresponding need for a set of centralized nuclear controls. As Dr. Stanley sums up the case: "In the last analysis, the least disadvantageous, and the only remotely rational use of strategic nuclear weapons is in a controlled and limited counterforce context."

The military logic for this doctrine is unimpeachable, but the problem is a political, not a military, one. Defense Secretary McNamara has been criticized frequently, and justly so, for treating the political realities of our European allies as impersonal digits to be fed into computers that decree cost effectiveness and provide the basis for an integrated strategic doctrine. If the United States and Europe were integrated politically, this approach would make sense, but lacking political integration this only incites a feeling of resentment and dependence in Europe, upon which General de Gaulle plays and ends up by creating a "unified" intercontinental strategic doctrine which is rejected in varying degrees in different European countries.

The author is aware of this problem when he says that "solutions must be found which can give France and Europe a reasonable sense of participation in decisions affecting the common destiny of the West." Without such an approach it will surely prove impossible to plan effectively in Atlantic, let alone global, terms. As Prof. David Calleo, of Yale has aptly observed in his recently published "Europe's Future," "The spread of Gaullist resentment in Europe can be contained, the Atlanticists believe, only by making the Alliance more federal, by creating those institutions and practices that will nourish mutual trust and common identity between Europe and its American leader. In short, if the Atlantic Alliance is to last, America's leadership must be less imperial and more federal."

MLF

Dr. Stanley's prescription for dealing Europe in on the joint management of the nuclear power of the Alliance is the famous, and now dead, multilateral force (MLF). The MLF died, in large measure, not because the plan was no good, but because it was not good enough. The effect of the MLF would have been to add in the present U.S. strategic nuclear superiority, while serving as a laboratory in allied nuclear collaboration. But it would not have solved the really crucial problem of allied sharing in political decisionmaking, so long as the United States retained its veto over the use of this force. In effect, the U.S. veto did not give "Europe a reasonable sense of participation in decisions affecting the common destiny of the West," however much it might have seemed to do so when judged from the Pentagon. In Professor Calleo's terms, the MLF was simply too imperial and not sufficiently federal.

It is true that the MLF concept contained a "European clause" which envisaged the abandonment of the U.S. veto under several circumstances, should Europe unite politically. This would have taken some years, under the best of circumstances, since the creation of a single European government able to control nuclear weapons was not likely to emerge overnight. And with Gaullist France injected into the picture, the subject became entirely academic. The "European clause" could not, therefore, be taken as a serious effort to solve the problem of nuclear sharing by abandoning the U.S. veto within the foreseeable future.

There was another possibility of attacking this problem at once, and it is curious and most regretful that neither the Pentagon nor the State Department gave this alternative serious consideration. The Dutch Parliamentarian, A. E. M. Duynstee carefully elaborated a plan in the Defense Committee of the Assembly of Western European Union which provided for the creation of a nuclear executive authority run by weighted majority voting, in which the United States would abandon its veto, but under conditions that would still protect vital American security interests. Here, at least was a formula for sharing nuclear power that could have aroused support among several states interested in joining, unlike the MLF which appealed only to the Germans who, because of their peculiar position, have a special incentive for expanding the scope of their nuclear connections.

MLF WAS A LESSON

The demise of the MLF should be instructive for U.S. policymakers. If our European allies are to be prevented from going their own ways, their sense of participation in decisions affecting the common destiny of the West must be real and not contrived. For the moment the problem of nuclear sharing has been pushed underground but it has

not disappeared. When it reappears let us hope that we may have learned from sad experience and be ready to make genuine offers of nuclear sharing, without which the problem will continue to fester.

Elsewhere in his book Dr. Stanley strongly inclines toward the federal, rather than the imperial, approach. "The alliance," he points out, "is already an entangling one—perhaps a greater source of informal constraints upon U.S. policy than is commonly realized. The possible disadvantages of making NATO a more supranational body (in which the constraints could become more formalized) must be balanced against the potential gains in European sharing of the defense burden, and a greater sense of joint responsibility for the twin tasks of securing the Atlantic area and developing a stable world order."

While the author recognizes the present impracticality of creating a truly supranational Atlantic government with a NATO defense minister with wide powers, he does advocate an American willingness to take the lead in abandoning the sacred principle that NATO is an international rather than a supranational organization, and delegating to alliance officials greater authority in specific areas. These might be narrowly limited, especially at first; but the details are less relevant than the basic act of will involved.

As examples of such more highly integrated ventures, Dr. Stanley suggests commonly financed military forces, such as a highly mobile fire brigade put at the disposal of SACEUR. He also advocates an expansion of common funding of construction, procurement, and research and development programs in which the various NATO countries would subscribe a certain percentage of the defense expenditures to NATO, acting as a judicial personality, capable of awarding contracts based on the overall needs of the alliance.

SHIFT OF DECISION

All this would require a reorganized and strengthened NATO international staff which Stanley also recommends. If our intent to save NATO is to be taken seriously by our European partners, this will require a willingness on our part to make a substantial shift in decisionmaking from the Pentagon to Porte Dauphine (or to wherever the NATO headquarters may be moved, should France withdraw). Without an American will to invigorate the common institutions of the alliance, the rationale for Gaullist separatism will continue to flourish. It is within the capability of this country to use its power constructively, given enlightened leadership and the determination to exercise it. Otherwise Washington will have condemned itself to the frustration of railing at Gaullism in vain.

BEAUTY AND MARVELS SKILLFULLY PORTRAYED IN "THE APPALACHIANS" BY MAURICE BROOKS, WEST VIRGINIA AUTHOR

Mr. RANDOLPH. Mr. President, rarely have I had as pleasurable an experience as was afforded me last week by my good friend, Prof. Maurice Brooks, of the Division of Forestry of West Virginia University, when he sent me his newest book, "The Appalachians."

This splendid work is the first in a series to be published by Houghton Mifflin Co., a series with two purposes: to interest North Americans in the wildlife, plants, and geology of their continent, and to recapture the inquiring spirit of the old naturalists. In selecting Maurice Brooks to author the first work in this series, the editors—Roger Tory Peterson and John A. Livingston—and publisher wisely chose a splendid researcher, an articulate reporter, and a true naturalist whose creative imagination, combined with a meticulous respect for fact, has produced a guidebook for those magnificent, stately mountains which rise first in the north in the Gaspé Peninsula of Canada and stretch southwestward into northern Alabama.

While the panoramic sweep of the Appalachian Mountain Range is captured for all readers—those who are fortunate in living in States blessed by these great relics and those who hopefully someday will visit there—I read portions of this account dealing with our own State of West Virginia with delight and longing. The description of Gaudineer Knob—in summer months the home of splendid species of warblers, flying squirrels, butterflies, trees and flowers; in the winter months inhabited by varying hares, and perhaps a panther or two—is particularly pleasing to me, as is the description in chapter 15, "Orchids That Aren't in the Tropics," of a typical West Virginia mountain meadow replete with summer wildflowers.

And when I read the moving story of the community that sent one of its sons to college in Pennsylvania, to prepare him for the ministry, by digging and selling "sang"—known to outlanders as ginseng—it brought back to mind the many happy days of my boyhood when I dug "sang" with my grandfather, Jesse F. Randolph, in Salem, W. Va.

The marvels and richness of the flora and fauna in Cranberry Glades, Canaan Valley, and Kate's Mountain; the unique character of Ice Mountain; the secrets of the Appalachian caverns, like McClung's Cave, are all made vital and enticing as we explore with Maurice Brooks the treasures each one offers. We are told that it is not only Vermont which products some of the finest maple sirup in the East—a fact most West Virginians already know. We read of the merchant in Mount Storm, in our State, who attempted to market West Virginia maple sirup, only to find that the public was not interested, and who subsequently sold it to a firm in St. Johnsbury, Vt., where it was promptly graded and marketed as "Vermont No. 1."

From azaleas to wolves, from the huckleberries of Greenbrier to the salamanders of Cheat Mountain, the author invites our respect and enthusiasm and stimulates our curiosity about the wonders still hidden in the Appalachian system.

The people of the land are treated with respect and fondness in the chapter dealing with the arts and crafts, the hunting and farming carried on in the Appalachian Range. While many of Professor Brooks' episodes are relative to West Virginia, he captures the spirit of all mountaineers early in the book when he tells the story of the Appalachian Trail—one of the proudest, most striking achievements of concerned individual Americans—a product of hard, but loving labor to which we all can point with pride. This trail was hewed through the wilderness, foot by foot, mile by mile, by individual men and women who had as their inspiration a deep and abiding love of the mountains in which they toiled. Today, on many sections of this trail which are not under the care of forest and park employees, the trail is maintained and cared for by private members of the Appalachian Trail Clubs. It is a tribute to our mountaineer heritage of individual responsibility, that "the system works; people come, and the jobs get done."

Maurice Brooks, on the last page of his study, speaks for all of us who, from Vermont to Georgia, know and love our hills, when he writes:

> And thus it is with those nurtured in Appalachia—they leave, but they look back, remembering pleasant things. The land has claimed them, and its ties will not be severed.

BOY SCOUTS OF AMERICA

Mr. McINTYRE. Mr. President, I was very pleased this week to receive a copy of a resolution sent to the Congress of the United States by the National Council of the Boy Scouts of America.

The resolution reads as follows:

RESOLUTION TO THE CONGRESS OF THE UNITED STATES

Whereas 1966 commemorates the 50th anniversary of the granting of the charter from Congress to the Boy Scouts of America—through the enactment of Public Law 84 duly passed by the House of Representatives on March 7 and the Senate on May 24, and enacted into law on June 15; and

Whereas a report to the Congress has been made each year by the Boy Scouts of America as required by the law; and

Whereas the Boy Scouts of America, the first youth group to receive such a charter, has received encouragement and support of inestimable value: Therefore be it

Resolved, That the National Council of the Boy Scouts of America, assembled for its 55th annual meeting in Bal Harbour/Miami Beach, Fla., expresses its thanks and appreciation to the Congress of the United States of America and respectfully requests the Congress suitably to recognize the 50th anniversary of the granting of the charter in such way or ways as it may deem appropriate.

We should all be proud of the fine work performed by the Boy Scouts of America. This wonderful organization has performed a great service during the past half-century and I think it is fitting that we recognize this group's great achievements in helping the youth of today to take their proud place among the citizens of tomorrow.

Mr. President, New Hampshire has 5,400 dedicated adults who serve as leaders of the State's 14,000 Boy Scouts. I extend to them my congratulations for a job well done and my best wishes for many more years of service to the State's youth.

WHERE TITOISM WAS TRIED

Mr. DODD. Mr. President, despite the growing abundance of evidence that the Tito government in Yugoslavia is in fact an integral part of the Communist world, discovering its natural allies in Moscow and Peiping rather than in Washington, there exists a stubborn unwillingness to recognize this reality.

As this session begins, I want to call the attention of my colleagues to an excellent analysis of the Yugoslav situation by Mr. George Bailey which ap-

peared in the Reporter magazine last summer. This article is as pertinent today as it was when it was written.

Though by the end of fiscal 1963 the United States had supplied Yugoslavia with $2.5 billion in aid, Mr. Bailey points out that this has had no appreciable effect upon Yugoslav foreign policy.

U.S. officials did not take the Belgrade declaration of 1955 at face value, although at this time Yugoslavia and the Soviet Union expressed their agreement on major policy questions.

Belgrade recognized East Germany in 1957 and Tito supported the Soviet Union's resumption of atomic testing in 1961.

Only in 1961, after the bitterly anti-West speech by Tito at the Belgrade Conference of nonalined nations, did Congress finally move to terminate aid, but the program continued until 1963.

Mr. Bailey describes the case of Mihaylo Mihaylov, a lecturer on Russian literature at the Croatian University of Zagreb in Zadar. He visited the Soviet Union, and published an article describing his trip. The Yugoslav Government arrested Mihaylov on charges of slandering a friendly state and violating the press law by sending the manuscript of his banned article to an Italian publisher. He received a sentence of 9 months' imprisonment, indicating to the world that freedom of speech and of the press certainly have no place in Yugoslavia.

Mr. Bailey is of the firm opinion that in any major showdown with communism, Yugoslavia would surely be on the side of its Communist allies. It has never sided with the West on the major issues of conflict, and to imagine that it would do so in the future is wishful thinking.

The article concludes by pointing out that:

> The Titoist experiment has been scarcely a success in the only country where it has been tried out. A proliferation of Titos in other parts of the world is unimaginable today, unless the West expects to subsidize pro-Chinese nonalinement.

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

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

WHERE TITOISM WAS TRIED

(By George Bailey)

BELGRADE.—Yugoslavia has six republics, five peoples, four religions, three languages, two alphabets, and a partisan in every pear tree. It harbors a family of South Slav nations united by the fear that their hatred of each other may be exploited by outsiders. The accumulated experience of Ottoman, Habsburg-Hungarian, and finally German occupation begot the fiercest partisan movement of the Second World War. This in turn produced the Yugoslav League of Communists, 80 percent of whose members are former partisans. Today, these aging veterans provide the regime of Marshal Tito with a less vigorous base. The thrust of the external and internal pressures that have sustained Titoism have changed, and the result has been both to lay bare the centrifugal factions and to provoke a tightening of centripetal totalitarian controls in a country often cited for its rebellion against the more rigid forms of communism.

When Stalin, to consolidate the Soviet Empire, tried to take over Yugoslovia, the partisans defied him, thus causing the first split in the Communist bloc and opening Yugoslavia to Western influence on a scale to which no other Communist country has ever been exposed. Two results of the break with Stalin have determined the state of affairs in Yugoslavia ever since. They are the United States Yugloslavia Emergency Relief Assistance Act of 1950, and the workers' council which was established by law in the same year. The law, which decreed the decentralization of the economy and the creation of semiautonomous self-management committees of workers, was Yugoslavia's way of remaining Communist while producing what was claimed to be an alternative to Stalinism. Its federal structure was determined by ethnic regionalism.

The aid program was all-embracing. It included military assistance and industrial equipment as well as a training program. It also granted most-favored-nation status and qualified Yugoslavia for United States surplus agricultural commodities. By the end of fiscal 1963, $2.5 billion in aid had been supplied to Yugoslavia by the United States Government. For years the Yugoslavs assured the donors that solvency was just around the corner. But Yugoslavia's leaders clearly had no intention of setting the country's finances in order. On the contrary, they projected U.S. aid into the national budget and their long-term planning in order to finance extensive industrialization projects, apparently assuming that year after year the gaping trade deficit would be covered by the allotment.

The attitudes of both countries in this relationship were largely determined by political considerations. The Yugoslavs were determined to demonstrate the effectiveness of their hybrid system; the Americans were willing to subsidize Titoism first as a military counterweight to the Soviets in the Balkans, and later as an ideological alternative to communism at large—a blend of economic self-government and political totalitarianism. The United States courted Yugoslav support in international forums, particularly in the United Nations. And, in fact, the Yugoslav U.N. delegation did approve that organization's involvement in the Korean war. Moreover, the Yugoslavs closed their frontier to the Greek Communist rebels, helping the Western allies to put an end to the Greek civil war. Yugoslavia's signing of the Balkan Pact against aggression with Greece and Turkey in 1954 was further in keeping with the desires of the West.

The United States cherished the hope that its largesse would gradually transform Yugoslav communism into something resembling Western social democracy. There had always been a strong liberal element in the Yugoslav League of Communists and the strengthening of this element as a result of the break with Stalin and the disastrous crop failure of 1950 increased the deceptive nature of the Yugoslav situation. It not only encouraged the liberals to make promises they could not keep but it rendered them the unwitting pawns of the conservative Communists, for it induced U.S. officials to lend credence to the idea of a more democratic Yugoslavia as well as money to Tito's totalitarian regime. The sincerity of liberal assurances to the West only enhanced the effectiveness of the ultimate deception. This was one of the main reasons for the clinging of American officials to their hopes even after Khrushchev and Bulganin went to Belgrade in 1955 to reestablish their relations with Tito.

WHEN THE AID STOPPED

United States officials refused to take at face value the Belgrade Declaration of 1955, in which Yugoslavia and the Soviet Union proclaimed their agreement in the question of disarmament and the banning of atomic weapons, in the cessation of all forms of polemics and other acts tending to sow mistrust among nations, and in "a solution * * * of the German question * * * in the interest of general security * * *." The Belgrade government diligently followed the Soviet line on foreign policy from this time on, including the recognition of East Germany in 1957 and Tito's support of the Soviet Union's resumption of testing in 1961.

In addition to his support of Soviet testing, Tito also singled out East Germany for praise and West Germany for censure as a fascist state 2 weeks after the construction of the Berlin wall. But his greatest service to the Soviet cause was to fit the Marxist formula to the anticolonialist resentments of the nonalined states, some of which proceeded to denounce the Common Market as the economic arm of Western imperialism. It was only when Tito himself—just after the West had advanced $275 million in credits to enable Yugoslavia to implement a foreign currency exchange reform—unequivocally linked Yugoslav policy to the Soviet line in an anti-Western speech at the Belgrade Conference of nonalined nations in 1961, that Congress finally moved to terminate U.S. aid.

When the last of the program was delivered in 1963, Yugoslavia was apparently on its own for the first time in 12 years (substantial Soviet aid, begun in 1956 with glowing promises, by 1962 totaled just $73 million). But it was only "apparently": Yugoslav eligibility for the benefits of Public Law 480, under which U.S. food surpluses were provided to Yugoslavia on long-term credit arrangements (payable in dinars and hence sparing the country's meager foreign currency reserves), was restored at the last moment by the intervention of President Kennedy, who reportedly was impressed by Yugoslavia's resistance to Khrushchev's troika proposal in the United Nations. However, the crucially important most-favored-nation status, enabling Yugoslavia to compete on equal terms for American markets, was suspended.

Assessing the situation after the blow had fallen, Yugoslav economists quickly realized that U.S. aid had not only become an integral part of the economy but also a key element of national economic progress. As such, it had proved a mixed blessing: by creating the illusion of success it had lent impetus to crude experiments, random investments, and dogged persistence in crackpot schemes. For instance, the cult of the decentralized workers' councils and the desire to develop the abjectly poor regions in the south and east of the country resulted in a 12-year splurge of investment in industrial plants in areas remote from sources of raw materials and lacking in transport facilities. This was the origin of the "political factories," as the Yugoslavs call enterprises chronically immune from sensible management, which make up roughly 25 percent of all factories in the country. To subsidize these factories in the south and east, the Government imposed drastic taxes on profitable enterprises, mainly in the industrial centers of Slovenia and Croatia.

This has been the source of bitter recriminations against Belgrade: "Penalties for success; premiums for failure," is the way the Slovenes describe the situation. With only 8.6 percent of the population, Slovenia contributed 37.2 percent of the national budget in 1958. This taxation both stirred up regional antagonism and acted as a deterrent to industrial production. The result is that Yugoslav industry today operates at only 54 percent of capacity.

HANDS IN THE TILL

It was clear that the loss of U.S. aid could be made good only by a sharp increase in production and exports. It was also clear that

a main prerequisite to any substantial increase in production was an increase in consumer buying power as well as in investment capacity of individual enterprises. But Yugoslav leaders found themselves in a special dilemma. The decentralized banking system was an indiscriminate purveyor of subsidies to Government-sponsored enterprises throwing good money after bad into the political factories. Thus the nationwide program was dissipated by a flood of uncoordinated investment at the lowest production levels.

The Government, which had not relinquished the responsibility for financing basic industries and was willing to tolerate imports in excess of plan in order to increase exports, could not resist the sudden pressure for imports. It authorized the Foreign Trade Bank to supply foreign exchange to enterprises against their obligation to increase their exports commensurately. As a result, credits to the enterprises increased in 1964 by 45 percent; total commodity imports, however, rose by only 25 percent. The difference was used by the workers' councils not to finance imports but to increase wages and bonuses of the workers, and the result was that the disposable income of the nonagricultural population rose by 30 percent. This in turn created a consumer demand that far outstripped domestic supply and spurred the country's ambling inflation into a gallop.

HOLES IN THE STAR

The fact that the Government not only tolerated but even encouraged the pocketing of credits designated for imports points up the schizoid nature of the Yugoslav system. It was, nevertheless, a revolt, and one inspired by the fading of the utopian Socialist vision. "We want to enjoy the fruits of our labor right now," the director of one of Belgrade's largest factories told me. "Certainly our children should have a better lot, but we want ours now, too. The spread of apathy in the party itself—particularly among youth—was admitted by Vice President Aleksander Rankovic at the Eighth Party Congress last December: in the last 8 years the percentage of members under 25 years of age has dropped from 23.6 to 13.6. To counter this trend a system of rotation has been introduced to rid the party machinery of partisan deadwood and make way for new men.

The Government's agricultural program has been hardly more successful. Driving past one collective farm recently, I noticed eight bullet holes in the plastic red star fixed over the portal. "Who put those holes there?" I asked a passerby. "Farmers," he answered. "Do farmers have guns?" I asked. "All farmers have guns—somewhere," he said. "Why don't they put up a new star?" "That was a new star 3 months ago."

The rural bulwark of resistance to the regime remains unshaken. Rankovic has emphasized "the anomaly of a party with only 8 percent of its members drawn from the agricultural sector that makes up half the population."

The Yugoslav League of Communists fears the peasants. The bitterest pill the league ever swallowed was the decollectivization of agriculture in 1953. This was part of the alternating decentralization and recentralization that followed the prolonged drought of 1950. The crop failure of that year, however, was not only caused by the lack of rain: the forced collectivization of all farming land in Yugoslavia in the late 1940's had provoked the peasants to the point of armed insurrection. But more telling than the peasants' sporadic violence was their passive resistance which throttled agricultural production and prevented the accumulation of reserves.

The Communists tried to circumvent the resistance of the peasants, mainly by contriving to price them out of existence or to force them into the remaining large collectives.

This surreptitious drive to recollectivize the peasants was backed by an attempt to make the state farms appear to be flourishing. To this end the Government concentrated its agricultural investment programs almost exclusively on the collectives. But the system suffered a severe blow early last year when it was revealed that the largest state farm in the country, the Belye, had declared a loss of about 2 billion dinars, or $2.75 million, at the end of 1963. Shortly thereafter the Government finally abandoned the persuasion program and, in an effort to restructure the entire economy, raised prices paid to producers by 21 percent. The effort came 10 years late and contributed strongly to inflationary tendencies. The resultant increase in crop yields, particularly in corn, was nullified by the increase in rural consumption: in the face of rocketing consumer prices, the farmers cut costs, as always, by eating their own produce.

Yugoslav agricultural imports rose by 34 percent in 1963 to a record $328 million, $121 million of it coming from the United States under Public Law 480. Wheat imports in 1963 nearly doubled the 1962 level, with the United States supplying 85 percent. From 1959 to date Yugoslav agricultural production has stagnated, suffering an average yearly deficit of more than a million tons of wheat, or a quarter of the annual amount required to feed the population. The deficit in wheat alone costs the Yugoslav Government about $64 million a year. The harvest of 1964 was poor and the prospects for this year poorer still.

Beginning in early 1964 the dam of Government price controls slowly collapsed and was swept away. Within the last year the cost-of-living index in Yugoslavia has risen more than 25 percent. Ominously, the sharpest increase took place in food prices: milk went up 25 percent, bread 30 percent. A pound of prime meat now sells in Belgrade for approximately the same price as in a New York supermarket—and this when the average wage of a Serbian industrial worker is about $50 a month at the official rate of exchange. By the end of 1964 the average Yugoslav worker was spending 65 percent of his take-home pay for food.

The combined splurge in agricultural and industrial imports drove the balance-of-trade deficit for 1964 to an alltime high of $429 million, more than twice as high as the 1962 deficit and more than half again as high as that for 1963. About $200 million of this amount was made good by hard-currency profits from the tourist trade, remittances from some 140,000 Yugoslavs working in the West, and various forms of insurance, leaving an actual deficit of $229 million, or almost exactly the average annual deficit over the previous 10 years. Foreign currency reserves are at present just enough to finance 25 days of imports. Moreover, the third devaluation of the dinar in 15 years is now regarded as inevitable. In other words, despite a much larger gross national product, and despite $3.5 billion in western aid, the Yugoslav economy is still hopelessly unbalanced.

DIPLOMACY FOR PROFIT

Much of Yugoslav diplomatic activity in the last year has been taken up in desperate attempts to restructure, reschedule, and otherwise refund the country's long-term debts, many of which fall due this year. Some creditors, such as West Germany, have continued or expanded credits to protect their original investment. Bonn has offered a partial moratorium on the outstanding Yugoslav debt. Likewise, most-favored-nation status was restored by the U.S. Government last year, and the Export-Import Bank has recently agreed to finance two construction projects.

An experienced observer in Belgrade has remarked that Yugoslavia is an underdeveloped country in need of technical assistance in every field except foreign policy. This policy is largely dictated by the importance of appearing to be a going political concern. The attractiveness of the Yugoslav position on the international scene as a combination of fashionable outcast, faithful renegade, and safe ideological trailblazer continues to stand the country in excellent stead despite Tito's costly political forays.

THE MIHAYLOV CASE

In general, the Yugoslav system has been dictated by the necessity of appearing progressively liberal while remaining totalitarian at the core. This requirement forced a refinement of the party control mechanism, a diversion of command channels, and development of parallel organizations such as the Socialist Alliance, the trade unions (to keep the workers' councils in line), and electoral commissions (to police the recently reformed electoral system). The result was a system so elaborate that even the country's leaders became thoroughly confused. In the end, the stresses proved too great; the party split into two openly conflicting factions—"centralists" and "liberals." In this situation—unprecedented in a nominally Communist country—both sides have been obliged to disguise their moves, and the liberal side the more, in order to disguise its weakness. It is in this light that the significance of the Mihaylov case and much else becomes clear.

Early in 1963 a delegation of the Soviet Writers' Union spent 15 days touring the country as the guest of its Yugoslav counterpart. The results of the trip were summed up in the Soviet journal "Voprosi Literaturi" (Questions of Literature) by the critic Valyeri Ozerov, in an article entitled "To The Battle Stations." Ozerov singled out the Yugoslav monthly "Delo" for concerted attack. Much of this article is taken up with a debate between the Soviet guests and the "Delo" editorial staff on the function of literature in society, in which the Delo representatives rejected the Stalinist-Zhdanovist dictum that writers must act as "engineers of the soul." Ozerov branded the Delo group as decadent "modernists" under bourgeois Western influence and accused it of spreading pessimism throughout the Socialist ranks.

In the summer of 1964 Mihaylo Mihaylov, a 30-year-old lecturer on Russian literature in the philosophy department of the Croatian University of Zagreb in Zadar, visited the Soviet Union for a month as part of the cultural exchange program. In its January and February numbers this year, Delo published two long installments of an article by Mihaylov describing his trip. A few days after the appearance of the second installment, the Soviet Embassy in Belgrade lodged a violent protest. But it was not until February 11, when Marshal Tito himself warned of rampant "Djilasism" and chastised a delegation of public prosecutors for not immediately suppressing the magazine, that the Yugoslav Government confiscated the remaining copies. On March 11, Mihaylov was arrested on charges of slandering a friendly state and violating the press law by sending the manuscript of his banned article to an Italian publisher.

Mihaylov was released after a month in investigative custody and his trial was held in the public court of Zadar. He received the comparatively mild sentence of 9 months' imprisonment out of a possible 4 years. He has appealed to the supreme court of Croatia, and there the matter rests.

The entire incident is referred to in Belgrade as "Delo's revenge," and apparently with good reason. "Moscow Summer" was a broadside fired at point-blank range; the anguished response of the Soviets is an indication that it found its mark. Mihaylov mentions the squads of "sobering-up" ambulances, whose sole purpose is to clear the streets of drunks, the danger of being at-

tacked by hooligans at night, the "desperate rudeness" of Muscovites in their dealings with one another ("I beg your pardon, sir, I didn't realize you were a foreigner"), the inevitable comparison of Lenin's mummy to a wax model, indifference toward or active contempt for the school of Socialist realism among Russian intellectuals and the contrasting enthusiasm for modernist art, the high rate of abortions among university students, the universal fear of stool pigeons, and the wild enthusiasm of the students for the works of Kafka.

Mihaylov devotes the bulk of his article to the anti-Stalinist revolt of Soviet writers, citing as the great tragedy of Soviet society the life-and-death struggle of individual talent in which an artist must risk his career and even his physical existence in order to realize an original idea. He emphasizes the high incidence of former concentration-camp inmates among the writers and dwells on the existence and great popularity of an entire genre of concentration-camp literature and song, most of which is bootlegged in handwritten copies and tape recordings.

Mihaylov discusses at length the works and views of some 20 Soviet writers, most of whom he visited. The overwhelming majority are revealed as more or less militant liberals fighting the good fight against state and party controls and specifically against Socialist realism. He exposes Ozerov and his like as nothing more than embattled government functionaries who are themselves increasingly isolated from reality.

A highly accomplished polemicist, Mihaylov possessed all the necessary attributes for the job that Delo assigned him. "Delo's revenge" was the first counterattack in force to be mounted against the Soviet Union by the now institutionalized political opposition in Yugoslavia. Moreover, it was an attempt by the Yugoslav opposition to make common cause with its Russian counterpart against the centralist enemy in both countries. In the third installment of his article, unpublished in Yugoslavia but now available in the West, Mihaylov suggests that Yugoslavia could play a role in leading the Soviet Union into the Western cultural community. It is a project that runs parallel to the prideful avant-garde function of the Yugoslav regime in bringing the Soviet Union to adopt a broad Socialist approach in its foreign policy as an instrument of Communist expansion.

The object of the exercise is to counter the recent series of moves by the Yugoslav regime to aline itself more closely with Soviet policy. Yugoslavia's accession as an associate member of the Council for Mutual Economic Aid—COMECON—last year and the various interparty cultural agreements have made the opposition afraid that the regime seeks to rejoin the Soviet bloc as the only means of reimposing traditional Communist rule and insulating the country against Western influence.

The split in the Yugoslav League of Communists is so great that the centralist machinery of repression could not be set in motion against Mihaylov until Tito himself intervened. The chronicle of recent cultural suppressions is impressive, but it also indicates the degree of opposition activity.

DECENTRALIZING POLITICS

Easily the most important organ of the opposition is the monthly magazine Praxis, published in Zagreb. The "Praxis Group," which is strongly influenced by Western and particularly American sociologists, force-feeds with well directed articles a nationwide discussion involving the roots of Communist theory. It has proclaimed the failure of Marxism to mitigate the alienation of the worker and to provide a system of values to replace the Christian ethic. But the ultimate objective of such liberal periodicals is to undermine the ideological authority of the party-state, and this process is further advanced than is generally appreciated.

The doctrinaire Communists in Yugoslavia now find themselves in somewhat the same position as the liberals. They, too, have been encouraged or driven by desperation to make promises they cannot keep. The triple coincidence of the battles over regional cultural autonomy, the political issue of centralization versus decentralization, and the great economic divide between the "have" and "have-not" Yugoslav republics rendered the split roughly along the traditional ethnic-geographic lines in the League of Communists inevitable and all the more ominous.

The liberals are especially at home in the Government and party offices in the republics of Croatia and Slovenia. Zagreb, the capital of Croatia, has become a kind of anti-Belgrade. The authoritarian stronghold is the Central Committee of the Serbian Communist Party. The doctrinaire Communists have been forced to take support wherever and however they can find it—in the "have-not" republics of Macedonia and Bosnia-Herzegovina and by pandering to Serbian chauvinism.

In keeping with Serbia's traditional claims of leadership, it is now a foregone conclusion that Tito's successor must be a Serb, Aleksander Rankovic, Vice President since 1963 and former chief of the state security police. Rankovic is obviously being groomed in preference to the party's chief ideolog, the comparatively more liberal Slovene Edvard Kardelj, President of the Parliament. This development prompted the liberals to engineer the adoption of a new statute at the latest party congress providing for the convocation of party conferences in the various republics, as well as at the federal level. In effect, there are already two parties in Yugoslavia. Their emergence as separate organizations has been prevented only by the prestige of Tito and the fact that circumstances have forced the opposition to institutionalize itself by decentralizing the original totalitarian party machine. Yugoslavia is now near the brink of the prewar multiparty morass based on ethnic regional allegiances.

The crescendo of the economic and political crisis has totally discredited Yugoslavia as the pilot model for underdeveloped countries seeking to acquire internal stability while preserving neutrality in the international power struggle. To top it all, the Yugoslav's expertise in foreign affairs has failed them. The sharpening of the Sino-Soviet struggle in the last 3 years has compromised Yugoslavia's position as a prime champion of would-be nonalinement among pro-Communist nations. A comparison of its stances in the Belgrade Conference of 1961 and the Cairo Conference of last fall is revealing. At Belgrade, Yugoslavia posed as the nonalined mediator between the Soviet bloc and Western imperialism; at Cairo it was forced to settle for the role of bridge between the Socialistic bloc (including, of course, the Soviet Union) and the nonalined and neutralist nations. Since then, Indonesia has veered off into the Chinese Communist camp, Cuba has said some highly uncomplimentary things about Yugoslavia, Morocco has alined itself more closely with the West, and Kenya has taken action against Chinese gun-running through its territory. In short, the neutralist nations are falling to one side or the other of the knife edge of China's crusade for wars of national liberation.

For Yugoslav leaders the danger of the Soviet Union's settling its differences with Communist China has been heightened by the ouster of Khrushchev and by the Vietnam crisis. Desperate to avoid a forcing of the issue in Vietnam, Tito has told every foreign statesman he has recently seen that the United States has fatefully misinterpreted the relationship between the Soviet Union and China. "If China goes to war with you over Vietnam," one Yugoslav editor warned us, "the Soviet Union will side with China and so will we." The latter part of this threat is empty. Yugoslavia would not be accepted, for the prerequisite of Soviet-Chinese reconciliation is Soviet renunciation of revisionism and the policy of peaceful coexistence, or pro-Soviet "nonalinement," patented by the Yugoslavs. The Titoist experiment has been scarcely a success in the only country where it has been tried out. A proliferation of Titos in other parts of the world is unimaginable today, unless the West accepts to subsidize pro-Chinese "nonalinement."

TRIBUTE TO SARGENT SHRIVER

Mr. DOUGLAS. Mr. President, less than 18 months ago, the President, the Congress, and the American people declared war on poverty. Almost overnight many new programs existed where none had existed before. Today, the burden of 35 million of our citizens trapped in poverty is being lightened.

It would be unfair to all those dedicated men and women in Washington—and to all those citizens across America who have labored long and hard in this war on poverty—to credit one man with the progress to date.

But much of the success thus far in the crusade to eliminate human misery must be attributed to Sargent Shriver.

Four years ago, President Kennedy asked Mr. Shriver to lead another kind of crusade—the Peace Corps. Like the war on poverty, the Peace Corps was hard hit by its critics when it began. Mr. Shriver is fond of pointing out that President Kennedy gave him the job as Peace Corps Director because, if he failed, "it would be easier to fire a relative than a political friend." But Shriver did not fail.

Before the Office of Economic Opportunity was a reality, its critics had doomed it to failure.

A political boondoggle * * * more handouts * * * another make-work program.

These were the mild statements.

Another furor arose when President Johnson asked Mr. Shriver to take on leadership of the poverty program while still guiding the Peace Corps.

The critics said "impossible."

But they had been wrong about the Peace Corps and the war on poverty and they were wrong about the ability of Sargent Shriver.

In the Peace Corps, Shriver simply asked for men and women to volunteer for work all over the world, not for money or glory, not even for comfort or convenience, but only to help others who needed and wanted their help. In the war on poverty, he used the same kind of an appeal, challenging not only individuals, but an entire Nation to look inward at a neglected minority and do something about their condition.

"Eloquent" is almost too fragile a word to apply to this hard-driving man. But the challenges Sargent Shriver has made of us all—challenges to heed the cries of human beings asking for help—whether they came from the jungles of Peru or the hills of Appalachia—were eloquent challenges. And the Nation has responded.

Today, Sargent Shriver has only one task. With all of his skill and dedication applied to the war on poverty I think we can expect that worthy venture to soon reach the same lofty plateau of success and acceptance now enjoyed by the Peace Corps.

UKRAINIANS WILLING TO FIGHT FOR FREEDOM

Mr. SIMPSON. Mr. President, January 22 marks the 48th anniversary of a day which is sacred to the more than one million Americans of Ukrainian descent. It should also serve as a reminder to all the rest of our people and to freedom-loving people everywhere of the existence today of a form of imperialism which threatens all mankind. On January 22, 1918, with the Bolshevik armies invading their homeland, a group of Ukrainian patriots courageously proclaimed that centuries of foreign oppression were ended and that the Ukraine was an independent member of the family of nations.

Few battles for independence are won without blood and the creation of a free democratic state in non-Russian eastern Europe cost many Ukrainians their lives. But the freedom gained by the Ukraine was short-lived. The Red army smashed the independence movement in characteristically ruthless fashion and with tactics that can be found in today's crises in southeast Asia.

The same basic Russian technique of civil war, liberation front and guerrilla warfare, combined with Red army force, toppled the Ukrainian nation. Independent Ukraine ceased to exist. The Soviet Russian masters may have thought that the bloodletting and defeat of the Ukrainian Army meant the end of the people's desire for their nation's independence. But they were wrong. And the Russians were equally wrong in assuming that they had crushed the people's willingness to fight and to die for their freedom.

The Communists could not have been more wrong. Under the surface of foreign repression, the passionate desire for liberty from alien and Communist oppression continued. The German invasion of the Soviet Union in June 1941 was the spark which set off the explosion of the people to regain their national freedom. First against the German occupiers and then later against the returning Communist armies the Ukrainian people carried on a long, tenacious, heroic, and desperate guerrilla war.

They had their own army, the Ukrainian Insurgent Army. It had the formal and complex organization of any modern army. It numbered perhaps 200,000. It fought the enemy until at least 1950, against terrible disadvantages, because it had one great advantage over the invaders—the love and loyalty of the people. This army did not receive aid from the outside world. Rather, it had to rely on its own ingenuity in utilizing weapons and supplies captured from the Soviets and the Germans. Constantly moving among the people, fully aware of the invaders' movements from local patriots, fighting a clever guerrilla war which sometimes included spectacular successes against larger and better armed enemies, the Ukrainian Insurgent Army added a glorious chapter to the epic of its people's struggle for freedom.

Although the Army has been disbanded, we can be sure that many of its members still carry in their hearts an unrelenting opposition to the Communist regime. An alien dictatorship has never been accepted willingly by the Ukrainian people. They have the recent memories of a gallant effort by their fighting men to liberate their land. On this anniversary it would be well for all of us to remember that in this occupied land the spark of freedom still burns, fed by the pride in the thousands of sons who died not so long ago to repel the enemies from east and west.

THE TWO WARS IN VIETNAM

Mr. GRUENING. Mr. President, the issue of January 24, 1966, of the U.S. News & World Report contains an excellent article entitled "The Untold Story of Vietnam War" which could just as easily be entitled the two wars in Vietnam—one that is known and one that is untold.

As summarized, the untold story is the one to be found in the countryside and in Saigon: Expanding terrorism, insecurity, a violent inflation, profiteering, food shortages, dealings with people who eventually will decide whether a viable nation can be put together.

I ask unanimous consent that the article referred to be printed 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:

THE UNTOLD STORY OF VIETNAM WAR

There are two wars here in South Vietnam—one widely known, the other virtually ignored.

The widely known war involves bomber strikes, U.S. soldiers, jungle battles, Vietcong battalions.

The untold story is the one to be found in the countryside and in Saigon: Expanding terrorism, insecurity, a violent inflation, profiteering, food shortages, dealings with the people who eventually will decide whether a viable nation can be put together.

In this other war—really the main one—the United States is losing ground.

The situation inside South Vietnam is found to be worse now than before the United States started moving in large numbers of troops last spring.

During the first week of January, Red guerrilla activity reached an all-time high—more than 1,100 "incidents" of sabotage, village raids, kidnapings—twice the rate of a year ago. As the Vietnamese New Year—January 21—approached, the number of Red attacks slackened markedly, but few authorities were convinced that it was permanent.

South Vietnam's normal distribution system has been severely disrupted, with consequent scarcities and high prices.

Food prices up: In the Saigon area, for example, the cost of rice has doubled in 6 months. Prices of chicken, cooking oil and other foods are up even more. It's the same with rents and clothing.

Black marketing is bad and getting out of control in some areas. So are pilferage and profiteering. In big cities the atmosphere seems infected by honky-tonks, get-rich-quick merchants and builders, and a general air of decay.

The $600 million in U.S. economic aid that was poured into the country last year apparently has disappeared.

It boils down to this: While the United States is trying to build up the country's economy and to provide stability, the Communists keep tearing it down.

U.S. and South Vietnamese forces actually hold less territory now than they did a year ago. So-called pacified areas are not safe, and the highly touted American counter-insurgency campaign has not gotten off the ground.

Americans have promised to back the South Vietnamese Government with large-scale aid in the countryside, to convince people they can find a better life by supporting the government.

Much of the time, the United States can't make good on the promise. Sometimes it is because the roads are cut and the Communists won't let help come through.

Even in more secure areas, the program to win the peasantry is a long way from being successful. The logistics bottleneck in Saigon, caused by the U.S. troop buildup and a $400 million military construction program, is almost hopeless.

In many Provinces during the last 8 months, less than 10 percent of the promised American aid has actually been delivered.

Where material has been delivered—steel and cement—you frequently find that local contractors would rather work on lucrative U.S. military projects. Some 100,000 Vietnamese are now working on military projects at wages higher than they could get in village programs.

The Government's image in the countryside—where peasants for hundreds of years have been against all central governments—remains clouded at best.

Widespread corruption—at "almost a comic level," as one Vietnamese puts it—is not only giving the Government a bad name, it is pouring millions of dollars into Communist coffers. One principal supplier for Marine Corps construction projects has been closely associated with the Communists since the days of the French colonialists—and is paying off handsomely to the Reds.

The Communists allow road traffic to pass in many areas only so they can collect "taxes" on the goods. Gasoline to power U.S. helicopters and planes in attacks on Reds in the Mekong River Delta is carried through Communist-controlled areas by transport companies owned by overseas Chinese. The carriers pay the Communists for permission to go through, then charge the Americans, at least indirectly.

Take a look at the First Corps area—the northern part of the Republic of Vietnam—and you see what has been happening. There are five Provinces. The area has been given over to the U.S. Marines. They have put more than a division into the area, moving out from the strategically important airbases at the port of Da Nang and the newly created Chulai base.

However, the internal security is worse than before the Marine forces arrived, in the Province of Quang Nam, just outside Da Nang, and in Quang Tin and Quang Ngai, south of the Marine area. In two Provinces north of Da Nang, also, the situation is deteriorating.

Or take the Fourth Corps area, at the other end of the country. It covers the mouths of the Mekong River that flows out of Cambodia into Vietnam and on to the sea. In the last few months, the Communists have been forced by U.S. airpower, which is extremely effective in the flatland areas where there is little or no cover, to withdraw to their strongholds.

Yet the Reds have stepped up their terrorist assassination of village leaders and Government officials, and have put on a great new display of propaganda.

Reaction to air power: Use of American airpower to combat the growing size of the Communist forces has been—to villagers—the most important military fact of life for the past year. The Communists have taken a tremendous beating from the air. At the same time, these bombings have forced thousands of people to flee their homes and become refugees. At this point, no one is sure how many refugees there are, but certainly in the hundreds of thousands.

In many areas, a villager gets a bitter choice: be forced into labor battalions by the Communists, face assassination if he doesn't cooperate with the Reds, have his sons recruited for the guerrillas, and be bombed by United States and Government planes—or move into Government areas as a destitute person, dependent on the whim of largely inefficient and sometimes corrupt officials for refugee relief.

Massive use of American airpower in the countryside is equated, in the minds of many villagers, with Red terrorism.

A village story: If you want to see how things are going at the village level, travel to Tu Thanh, only 6 miles from the Provincial capital in Quang Ngai Province.

Last May, a battalion of Communist troops swept into the village. They had with them Pham Kinh, a 52-year-old Communist. In 1954, Pham Kinh had withdrawn with 183 other Reds to the north when the Communists turned this area over to the Saigon Government.

Now Pham Kinh was back in his old area as political commissar for the Communist battalion.

The first thing that Pham Kinh did in the village was to arrest seven of the village leaders. Six were shot, and the seventh was buried alive. That was to make certain the villagers knew who was running the show.

Most of the villagers fled into Government-held areas, where they were fed and protected. It took the Government three attempts to liberate the area from the Reds. In the process, 40 percent of the houses in the village were destroyed by United States and South Vietnamese planes attacking Communist positions.

When the Communists withdrew, they took 40 village youths who had remained behind when most villagers fled. The youths will be indoctrinated as guerrilla troops.

Now the village is being rebuilt. Yet, if one of the chief aims of the Government and the United States is to prove that they can do a better job than the Red, then they are failing.

Like the rest of South Vietnam, the area around Tu Thanh is agricultural and needs help with farming. But the U.S. aid mission in Saigon has only 25 staff members dealing with agriculture throughout the nation.

When pigs go hungry: A pig-and-corn program that began in 1962 with lots of U.S. fanfare does not even function in Quang Ngai Province. There is a good reason: You can't import corn to feed pigs when there is barely enough transport to feed the refugees. In this Province, 1 out of every 10 people is homeless.

Only recently did the Province get a public-health nurse from U.S. headquarters to help reorganize the local medical corps.

There are only 900 native physicians in the entire country, and most are in the military. In one neighboring Province, with 300,000 people, there are only 4 physicians, all in the service and meeting civilians' health needs on a part-time basis.

If it were not for millions of U.S.-administered inoculations against smallpox, cholera, plague, and typhoid, the country would be at the edge of a medical disaster.

Life in the cities, for those not on the "gravy train" of profiteering, is grim. Inflation is making it that way. Since the start of 1965, money in circulation in South Vietnam has gone from 27 million piasters to 47 billion.

Inflation is fed not only by the vast U.S. construction program, but by private spending of 190,000 American soldiers. That spending alone runs between $45 and $60 a month per man.

The whole society seems turned upside down. A Saigon bar girl can make 80,000 piasters a month—about $650—compared with Government salaries of $120 for middle-echelon civilian officials or $100 for a major in the South Vietnamese Army.

A Vietnamese college professor tells about meeting his former housemaid while he was on his motor scooter in downtown Saigon. The former housemaid, now the girl friend of an American soldier, drove by in a shiny automobile.

There is talk of bringing in thousands of skilled workers from the outside—the Philippines and South Korea, for example—to take some of the pressure off the labor market and supply the technical help to unclog the ports.

You get some idea of what has happened to the labor market from the fact that a stevedore in Da Nang used to get about 30 cents for a day's work. Now, ricksha boys demand 75 cents from U.S. marines for a 10-minute carriage ride.

All this economic chaos has spurred the large-scale corruption that already existed. Government workers find that their fixed salaries buy only a fraction of what they once did. Shortages of goods make it easy for the seller to ask higher sums than those fixed by law. It is now commonplace to bribe one's way aboard local civilian transport—air or ground.

It is only in the past few weeks and months that the American Embassy and the U.S. military have decided to try to come to grips with some of these nonmilitary problems, in the cities and in the countryside.

A new U.S. program: On January 12, in Washington, U.S. aid officials announced a long-range program for winning the war in the countryside.

The reaction in South Vietnam among many was cynical: "On paper, one more U.S. plan to save the country."

Most veterans who know the situation are convinced that it would take between 6 and 10 years to win the war in Vietnam—and "win the peace."

Yet the intensity of the U.S. peace offensive indicates to most South Vietnamese that the United States is not about to undertake a commitment of 6 to 10 years.

In a country that has seen hundreds of promises by French and Vietnamese officials broken over the past 25 years, there would be great reservations about such a U.S. commitment in any case.

The fact is: The U.S. peace offensive has further shaken Vietnamese confidence. First came U.S. troops, and spirits went up. Now comes talk that sounds to Vietnamese like "peace at any price"—and spirits are down. The U.S. attempt to negotiate is seen here as a sign of irresolution, not determination to stay and fight for a decade.

All this is having a profound effect on the "forgotten war" in the thousands of villages where the fate of the country is likely to be decided.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF DISTRICT OF COLUMBIA MINIMUM WAGE LAW

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which is H.R. 8126.

The Senate resumed the consideration of the bill (H.R. 8126) to amend the District of Columbia minimum wage law to provide broader coverage, improved standards of minimum wage and overtime compensation protection, and improved means of enforcement.

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. MORSE. 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. MORSE. Mr. President, I ask unanimous consent that Mr. Joseph Goldberg, of the Department of Labor, be granted the privilege of the floor during the consideration by the Senate of H.R. 8126, the District of Columbia minimum wage bill.

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

Mr. MORSE. 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. PROUTY. 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. MORSE. Mr. President, as the Senate proceeds to consider the bill and the report of the committee in regard to the District of Columbia minimum wage bill, I wish to make this opening statement in support of the bill and the report of the committee.

The minimum wage and hours bill, H.R. 8126, as amended, would improve the minimum wage and overtime protection coverage for women and minors, and extend coverage to domestic workers and men who have never been covered under District of Columbia minimum wage law. The members of the Senate Committee on the District of Columbia believe that H.R. 8126, as amended, is very reasonable, exceedingly modest, and a practical bill. As a matter of fact, Mr. President, I am somewhat embarrassed to be put in a position of advocating a minimum wage and hours bill with a provision for a $1.25-an-hour statutory minimum wage in 1966.

Mr. President, if an employee works 40 hours a week, 52 weeks per year, at $1.25 per hour, as specified in this bill, he would earn a gross annual minimum wage of $2,600. As I said earlier, it somewhat embarrasses me to be advocating a statutory minimum wage floor of $2,600 a year, if the employee should work 40 hours a week for 52 weeks, when the President of the United States several years ago declared that any family with an income under $3,000 a year is classified as a family in the poverty category.

The bill which we are considering today is similar to S. 860 of the 88th Congress which was reported to the Senate

unanimously by the Senate Committee on the District of Columbia, and was unanimously approved by the Senate on August 21, 1964.

As chairman of the Subcommittee on Public Health. Education, Welfare, and Safety, I received testimony that clearly demonstrates that H.R. 8126, as amended, is strongly supported by the U.S. Department of Labor, the Department of Health, Education, and Welfare, the District of Columbia Board of Commissioners, the American Federation of Labor–CIO, the Greater Washington Council of Churches, the District of Columbia Citizens Council, District of Columbia Minimum Wage and Industrial Safety Board, District of Columbia Health and Welfare Council, District of Columbia Department of Public Welfare, District of Columbia Board of Education, District of Columbia Apprenticeship Council, District of Columbia League of Women Voters, Catholic Interracial Council of the National Capital Area, National Association of Social Workers, Democratic Central Committee, Forward-Looking Republicans, Washington Medical Committee for Human Rights, Washington Urban League, Teachers Union of Washington, D.C., and numerous neighborhood and church groups in the Nation's Capital.

There was contained on the ballot in the last Democratic primary in the District of Columbia the following questions:

> Should the Democratic Party continue to advocate the following: That the District minimum wage law be changed to cover all workers and to provide a $1.25 per hour minimum wage? Yes, 72,417; no, 1,537.

The Washington Board of Trade, the Restaurant Association of Metropolitan Washington, and the Hotel Association of Washington, D.C., opposed major provisions of the bill. The committee very carefully studied the statements presented by these three special-interest groups, and concluded that H.R. 8126, as amended, would best serve the public interest and welfare of the entire community, including that segment of the community supposedly represented by these three groups.

H.R. 8126, as amended, increases the minimum wage law's application to 300,000, rather than 87,000 workers, as are covered under the very limited existing law. The overtime pay provisions in the bill would reduce the excessively long hours worked in many business establishments in the District of Columbia. As I said in the Senate last year, a statutory minimum wage floor of $1.25 an hour is inadequate, but that it would help many employees buy a little more and better food, clothing, housing, medical care, and other necessities of life than they are now able to buy. It is the opinion of the committee that wage earners earning less than $1.25 often quit working and go on public assistance if they are eligible, or sometimes enter a life of crime in order to keep their families together. Very often the mother must also work in order to keep the rent paid and a little food on the table and some shoes on her children's feet. This must be done in order to keep the family together, and then at times the family must be farmed out to friends and relatives or the Welfare Department, because the wage earners cannot adequately provide for their children. The committee strongly believes that this is neither right nor in the public interest for employers to force employees to work at unconscionably low wages.

Every time I go to Junior Village and take note of the children that have been sent there, I become more and more dedicated to the cause of adopting a more reasonable minimum wage in the District of Columbia.

The committee received testimony last year that the last census for the District of Columbia revealed that in the midst of unprecedented prosperity in the Nation's Capital, 17.3 percent, or nearly one-fifth of all District of Columbia families, had incomes of less than $3,000 a year.

Mr. President, this is unconscionable. It is the view of the committee that the minimum wage and hours bill is one of the best places to begin a more intensive war on the pockets of abject poverty in the District of Columbia. This Nation and this city are wealthy enough, both spiritually and financially, to eradicate from this city the causes of poverty, crime, and unhealthful living conditions, provided there is the determination to do what the facts indicate needs to be done to make this city the symbol of what can be done in a free society.

President Johnson last week, in his state of the Union message, stated:

> There are men who cry out: We must sacrifice. Let us rather ask them: Whom will they sacrifice? Will them sacrifice the children who seek learning—the sick who need care—the families who dwell in squalor now brightened by the hope of home? Will they sacrifice opportunity for the distressed * * * the hope of our poor?

In answer to the President's question, I would say that there are those in the community—and I know they are a minority indeed—that would sacrifice the working poor—those locked in poverty—for profit. I am pleased to state that there is not a member of our committee who agrees with that point of view.

The Senator from Vermont [Mr. PROUTY] will offer some amendments to the bill. I wish to make it perfectly clear that the Senator from Vermont supports a fair minimum wage in the District of Columbia.

As chairman of the subcommittee, I wish publicly to express to the Senator from Vermont and to the Senator from Colorado [Mr. DOMINICK] my appreciation for the complete cooperation that they have extended to us at all times as we sought to take this bill through the committee and to the floor.

The differences that developed as to certain parts of the bill that the Senator from Vermont will address himself to later as he presents certain amendments relative thereto, in no way express any opposition to the bill on the part of the Senator from Vermont. The same applies to the amendment that will be offered on behalf of the Senator from Colorado.

These two men join with a unanimous committee in agreement that a minimum wage bill needs to be passed.

I hope that the Senator from Vermont and I can resolve some of the differences by agreement on the floor of the Senate this afternoon. In certain instances we will not find ourselves in agreement, and we will let the will of the Senate work upon our disagreement.

But I do wish to say that although I am not bringing to the Senate this afternoon a bill unanimously supported in all of its details, I am presenting a proposal for improvement in the minimum wage situation in the District of Columbia with respect to which there is unanimous agreement as to its major objective.

There are those who will plead that if certain businesses in this community are required to pay a minimum wage of $1.25 an hour and time and a half for work in excess of a 40-hour work week, those businesses will go broke and will have to move to Maryland or Virginia. It is those employers who are asking the rest of the community, through the Welfare Department, the Police Department, the poverty program, and our schools, to subsidize them through general taxation. I ask these spokesmen, "Where is your conscience?"

There are those in this community who think only in terms of money brought into the city by tourists. I believe that they are missing a great reservoir of potential income by not seeing to it that they pay their employees an adequate wage, so that that money, in turn, may be released many times over in the cash registers on every street in the city. It is the businessmen in the city who will benefit from an increased minimum wage, as much as those citizens now deprived of a decent wage.

I digress to say how well I remember the great opposition to the Federal Fair Labor Standards Act, and that at the time that it was first proposed, those who advocated it had to bear the stigma, for a time, of the labels which were attached to us, such as being designated creeping socialists and what not. It is interesting that now we cannot go on the main streets of America and obtain support of any degree of substance from any group of employers advocating a repeal of the Fair Labor Standards Act. For American business has come to recognize that the Fair Labor Standards Act has been one of the great economic stabilizers of our country; and it is recognized that the Fair Labor Standards Act has been one of the great causes for keeping their cash registers ringing. It has been one of the soundest pieces of legislation enacted in our country in our time.

That is true of unemployment compensation insurance legislation as well. Also when we fought for unemployment compensation insurance legislation, there were those who became very emotionally concerned about it. Now business firms recognize that unemployment insurance legislation is another one of the economic stabilizers. One could not find a corporal's guard, among businessmen in most communities, to advocate a repeal of unemployment compensation insurance.

What businessmen should be thinking about is the purchasing power, the year around, of the inhabitants, the people who live in the District of Columbia, not just those who come and go as tourists, but those who are permanent residents as well. It is important to sound business in this city that we maintain a decent standard and level of purchasing power for every permanent resident.

There are many business firms doing business in the Nation's Capital that are presently covered by the Fair Labor Standards Act. It is estimated that in 1965 there were approximately 151,500 employees in the District of Columbia covered by Federal minimum wage legislation. It is argued by restaurant and hotel interests that the proposed District of Columbia minimum wage law would make it unprofitable for them to remain in the District of Columbia. I say good-naturedly and respectfully, but pointedly, that this is so much hogwash, and they know it. They are not fooling me by such absurd arguments, nor did they fool other members of the committee. The restaurants are going to be used by people who need to eat three times a day, with the imposition of a fair minimum wage, and restaurant operators know it. I say to the restaurant operators, "Where do you think they are going to eat? Do you think tens of thousands of people are going to go to Virginia and Maryland each day to eat, because you are required to pay a decent minimum wage, in my judgment an exceedingly low minimum wage, to your employees?"

No. All of us know that the present minimum hourly wage in the District of Columbia has been increased, through cumbersome Wage Board procedures, from time to time for certain women and minors. During the same period of time when these increases have been made, there never have been more hotels and restaurants operating in the Nation's Capital. It has not run them out of business. They are here because there is a need for the services they provide. I am told by the District of Columbia Minimum Wage Board that so far as it knows, the District has not lost any business to either Maryland or Virginia because from time to time it has increased the minimum wage for certain women and minors. I believe that the facts put that old scarecrow argument to rest.

I have held the position for many years that no employer has the moral right, and should not be permitted the legal right, to exploit fellow human beings by not paying them a wage which will permit an employee the basic essentials of life and decency. The pending bill involves a moral issue. I have been derided for that position, and it has been charged that I would put businesses out of business with my philosophy. The answer is, I have no doubt about that, they should go out of business, if they cannot pay a decent minimum wage to make it possible for a fellow human being to live in health and decency. They had better go out of business and go to work as employees themselves, and see how they like it.

Many years ago, before I came to the Senate, I brought wrath down upon my head because of a decision I wrote on the War Labor Board, seeking to protect laundry workers. During a 10-day hearing downtown in the Labor Department during the war, I listened to counsel representing the great laundry association of this country try to justify, in 1942, 19 cents an hour for laundry workers. What did he think would be the crowning, devastating argument that would prevent increasing the basic wage for laundry workers? That if we changed that rate, the housewives would take their laundry back into their basements, and put laundries out of business.

In that opinion, I pointed out that if the housewives of America believed that they had a moral right to have the laundry workers of America subsidize them, the sooner the housewives got down into their basements and did their own laundry, the better. I was criticized for that as not being a politic statement.

I have never been known to substitute politic statements for facts, and I considered that an undeniable fact. But the strange part of it is that after we were through awarding a wage for the laundry workers which was at least an attempt to be fair—although I thought it was still too low—we did not receive any subsequent complaints of any laundry on any street in America with a sign on it, "Gone out of business because of the War Labor Board's wage decision."

We will not get any notice as a result of the passage of the bill, which I hope will be passed today and subsequently will be approved by both houses and signed by the President, that any restaurant or hotel will close its doors because of the requirement to pay $1.25 an hour as a minimum wage.

Mr. President, the reason none of them will go out of business is that they are in the Nation's Capital, where services are needed, and are called upon to provide those services for certainly a reasonable profit.

It is also known that many employees are working long hours. The U.S. Department of Labor conducted a survey in 1962 of wage and hour conditions in the District of Columbia of 87,000 workers. The survey showed over 8,500 persons working more than 48 hours a week. The survey also showed that the largest number of these employees were employed in retail trade, restaurants, automobile services, and real estate operators' establishments.

The committee believes that the time and one-half for overtime would reduce the very long hours worked in many business establishments in the District of Columbia, in unskilled occupations in which many unemployed workers in the community could find work. Also, premium pay could be expected to make available more work to those who are involuntarily working part time, of whom there are a considerable number in the Nation's Capital.

In summary, Mr. President, the bill, as amended, provides a statutory minimum wage floor of $1.25 an hour and 1½ times the regular rate for hours worked in excess of a 40-hour workweek, effective 180 days after enactment. This is the same protection provided by the Fair Labor Standards Act. In regard to minimum wage and overtime standards, the bill also provides that an employer shall pay his employees wages at a rate of not less than the highest of the following: First, $1.25 an hour; second, such rate as may, from time to time, be established by section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended and as it may be amended in the future; or, third, such rate of pay as is or may be established by any applicable wage order issued pursuant to this bill, or preserved by section 2 of this bill. It is the intention of your committee that the wage rate referred to in section 2 above is that provided in subsection (a) of section 6 of the Fair Labor Standards Act without regard to the effect, if any, of any other subsection of section 6 or any other provision of the Fair Labor Standards Act.

The committee believes that this relationship between the Federal and the District of Columbia statutes should be maintained by law. It is therefore extremely important that the measure not merely adopt the existing $1.25 per hour established at the present time by the Federal legislation, but that it insure that the prescribed District of Columbia minimum wage rate will automatically follow the Federal rate if, and whenever, it may be increased again—as it already has been on several occasions—by the Congress.

In regard to coverage, the bill covers any individual—man, woman, or minor—employed by an employer, with two exceptions applicable to volunteers who render gratuitous services to educational, charitable, nonprofit, or religious organizations and to lay officers of religious organizations. It also excludes employees of the United States and the District of Columbia.

Mr. President, the committee believes that the bill is modest, practical, and reasonable, and urges the Senate to adopt it as it did a similar bill, S. 860, in the 88th Congress.

Mr. PROUTY. Mr. President, will the Senator from Oregon yield for a question or two?

Mr. MORSE. I am glad to yield to the Senator from Vermont for that purpose.

Mr. PROUTY. In section 3(b) the term "regular rate" is used as the basis for computing time and one-half. Nowhere in this bill is that term defined, but the same term is used and defined in section 7 of the Fair Labor Standards Act as amended. Is it the Senator's understanding that undefined terms used in this bill which are also used in the Fair Labor Standards Act, such as the term "regular rate," shall have substantially the same meaning and be given substantially the same effect as they receive under the Fair Labor Standards Act?

Mr. MORSE. The answer is yes. That is exactly the intention of the drafters of the bill. For legislative history, as the Senator in charge of the bill, let me say that the Senator from Vermont has set forth exactly the meaning of the "regular rate" in the language of the bill, and he has also set forth the intention of the committee that any term

in the bill not specifically defined shall be interpreted and applied as it is defined or used in connection with the Federal Fair Labor Standards Act.

Mr. PROUTY. Then I gather it would be the Senator's understanding that regular rate of compensation for purposes of computing overtime compensation rates under the District of Columbia minimum wage bill, H.R. 8126, would basically consist of cash wages paid the employee and in some circumstances might take into account an allowance for board and lodging, but consistent with the practice under the Fair Labor Standards Act, would not include fringe benefits or gratuities?

Mr. MORSE. The answer is "yes." The legislative history will show that the Senator from Vermont has set forth clearly the intent of the Senator in charge of the bill and the meaning of the bill except that gratuities would be included in the regular rate to the extent they are accounted for by the employee to the employer.

Mr. PROUTY. I thank the Senator very much for his clarification.

Mr. President, first, I wish to express my deep appreciation to the Senator from Oregon for his charitable references to the Senator from Colorado [Mr. DOMINICK] and myself; the Senator from Oregon has always been extremely cooperative on almost any question. He has been fair in all respects and we are very grateful to him for it.

Mr. President, I can understand how some, who are not thoroughly conversant with the amendments to the bill presently before the Senate might become confused.

At the outset of my remarks on the proposed legislation, I should like to clear up any confusion with respect to my position on the question of the bill as a whole. I do this in response to certain articles published in Washington newspapers which misinterpreted my position.

Mr. President, I do not come to the floor today to do battle against the passage of the District of Columbia minimum wage bill. I come here in the hope that I can make this bill a better bill, a fair, equitable, and more meaningful bill.

As this bill came to us from the House, it was different from the version before us in a number of substantial and material provisions. The House version never wholly attains the broad coverage and powers written into the present language.

The House-passed bill provided for a minimum wage floor of $1.25 per hour by the 3d of September 1967. The Senate bill goes to a floor of $1.25 effective 6 months after enactment.

The House bill provided for a 3-year phase-in period with separate overtime provisions for hotel and restaurant employees. The Senate bill includes them as of the effective date.

The House bill permits the Commissioners to issue wage orders going below the statutory floor in cases where that floor works undue economic hardship on the employer. The Senate version empowers the Commissioners to issue wage orders in excess of the statutory floor, in order to provide employees with wages sufficient to provide adequate maintenance and to protect their health.

The House bill exempts domestic employees in a private home, employees of charitable and eleemosynary institutions, and commissioned salesmen from minimum wage and overtime provisions and car wash employees from overtime alone. The Senate bill contains no comparable exemptions except for auto salesmen under certain situations.

The House bill vested such additional powers as were necessary in the existing Wage Board. The Senate vests the powers in the Commissioners for delegation as they see fit.

Finally, Mr. President, the House bill's statutory floor would remain until further action by Congress on the District of Columbia minimum wage. Under the Senate bill the statutory floor for the District of Columbia minimum wage will always at least equal the national floor.

There are many meritorious provisions and objectives in the House-passed bill. There are many excellent features in the Senate version. When this bill is passed—and it clearly will pass—the differences between the two versions of the bill will have to be ironed out in conference. But, that is not to say that the Senate has no obligation to look closely at the hypotheses upon which the Senate version is founded. That is not to say that this bill is perfect in every respect. That is not to say that the destiny of this proposed legislation should be left entirely to the conferees.

So, Mr. President, I come to the Senate floor to engage in honest efforts to bring forth a meaningful and significant minimum wage bill. I come to the floor, as I have come a number of times before, as a supporter of minimum wage legislation.

Mr. JAVITS. Mr. President, the questions which have been raised by the Senator from Vermont [Mr. PROUTY] deserve to be debated on the floor of the Senate and deserve to have the consideration which he proposes to have them given. He is a most valued member of the Subcommittee on Labor, and the legislation deserves careful scrutiny from the point of view of practicality.

One thing I would like to put in focus, which I think is very important, is that the minimum wage bill must be adjusted to conditions in the District of Columbia. The fact that the Senate is tying it to the Federal standard because the District of Columbia happens to be the Federal enclave, and at least that standard should obtain whatever else may happen, does not change the fact that the District of Columbia is one of the very high income areas of the country and is one of the very high living cost areas of the country.

What this proposal really amounts to is a State minimum wage law. I can understand why some State minimum wage laws may provide for less than the Federal standard, but I can also understand why they may provide for more.

So I rise to state that the principle which I have stated is just as applicable as is the principle stated by the Senator from Vermont [Mr. PROUTY], whose opinion I value so highly. I refer to scrutinizing the bill to be sure that injustices and unfairness are not perpetuated and that opportunities for employment are not reduced, which could happen if the minimum wage were fixed so high that people might lose work as a result. Let it be remembered that one does not have to have his car washed every week, or even every month. A car that is dirty can be driven just as easily as a car that is clean. So the bill should be scrutinized to see that it will not have that effect.

I rise to urge that principle as a template to a discussion of the bill.

First, there is a case of tying the District of Columbia to the Federal minimum wage formula, because this is the Federal enclave, and it should not be necessary to pass laws every time with regard to it.

Second, the District of Columbia is not only the Federal enclave, but it has a high income level and is a pretty expensive area in which to live. Therefore, the Senate should accommodate the bill to the localized situation in terms of what it costs people to live and what is a decent standard of living.

Third, we must be careful to pay attention to each amendment, to the questions raised, and to the answers made by the Senator from Oregon [Mr. MORSE], because we can also cut off employment by being impractical. In many businesses, especially in the service trades—and that includes motels, hotels, and restaurants—if the costs are hiked too much, the city may be deprived of services that the people need, because a person can operate a business only if he makes a profit.

If these principles are taken into consideration, and the amendments which have been suggested are carefully considered by the Senator from Oregon, and, indeed, by every Member, we can come forth with a good bill.

Mr. President, I am a liberal. I would like to support the statement of the Senator from Vermont. I hope what he has proposed will be put to the test. It should not be forgotten that the remarks of the Senator are fundamental to the support that should be had for the bill when it is passed.

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

Mr. JAVITS. I yield.

Mr. MORSE. I agree with everything the Senator from New York has said. The committee has taken note of the three criteria he has laid own. I respectfully say that we have brought to the Senate a bill which, in my opinion, follows those criteria.

The Senator from New York is correct when he says that what we are doing in effect today is passing a minimum wage bill as a State legislature. Our problem is that we really should not be the ones doing this, but we have to do it because we have not had the wisdom in the past to provide for a home rule government in the District of Columbia so others would be passing this legislation.

We have tried to take into account the point the Senator from New York makes,

that we have to adjust these wages in the light of the particular circumstances that relate to the various conditions in the District of Columbia. There is no better way to do it than the way it has been done. We provide for an ad hoc committee approach. We provide for a wage board. An ad hoc committee is provided for that would enter into an inquiry into a given type of business and decide whether or not there was justified a wage order that would require the payment of a minimum wage above the so-called standard minimum wage of the Fair Labor Standards Act.

I was insistent that that be continued, because the experience we have had with respect to women and minors in this area has been successful. There has been little, if any, criticism of the actions of the ad hoc committees and the Wage Board.

The question is also raised whether a minimum wage should be authorized at a figure of more than $1.25 an hour. I want to make very clear to the Senator from New York that $1.25 is the floor. As the Senator from New York has pointed out, Washington, D.C., is a high living cost area. It is also a good business area. Businesses are not suffering in the District of Columbia when we take the economy as a whole into consideration. There is a carryover into all businesses when there is a general high level of prosperity.

With regard to the particular businesses the Senator has mentioned, restaurants, hotels, and motels, I have given a great deal of attention to that question, because we wanted to be absolutely certain that we would be completely fair to restaurants and hotels. I know of no evidence in the record presented to the committee that gives any support to claims that we are unfair to restaurants and motels if we adopt the minimum floor of $1.25 an hour. I have talked with hotel and restaurant operators in many other cities. Their attitude has been that they wished they could have the guaranteed income that such operators get in the District of Columbia, because of the tremendous tourist trade that flows into the city 12 months a year.

I appreciate the Senator's calling attention to the three criteria. All I can say, as floor manager of the bill, is that he has my assurance that the bill fully and carefully follows out the criteria.

Mr. JAVITS. I thank the Senator. Of course, the amendments of the Senator from Vermont [Mr. PROUTY] will test that out. I hope the bill will stand up in the debate. But I wanted to call attention to the standards which should be applied, which I hope will be applied, to show not only good faith, but that the proposals of the Senator from Vermont [Mr. PROUTY] should be tested.

Mr. MORSE. I assure the Senator from New York that I will try to arrive at some understanding with the Senator from Vermont on the amendments. I do not believe we shall have any difficulty. He has some rather technical amendments with regard to domestics which I will be glad to discuss with him.

Quite frankly I would not favor the cumbersome procedure that the bill would provide in respect to the keeping of records for domestics. Minimum records have to be kept which are similar to those the housewife has to keep in regard to social security. The housewife has to keep those anyway. She would not be imposed upon to keep a similar record for a domestic.

The Senator might ask why in the world it escaped me. It escaped me, and I do not know why it escaped me.

The Senator from New York knows that no Member of this body would object more than I, now along with the Senator from Vermont [Mr. PROUTY], to a $10,000 fine and 6 months in prison for a housewife.

I did not sufficiently take note of that item in the bill, and I shall agree to strike it.

Mr. JAVITS. Domestic service is a difficult subject throughout the United States. Domestic service is necessary in many families where it is impossible for the housewife to carry on, and it is becoming much more difficult. I believe one of the principal reasons is the fact that people who engage in domestic service do not feel any dignity in the calling.

It may be that there is needed the application precisely of minimum wages, an 8-hour day, and regularization of employment, to bring a nobility to the employee. The employee should be given rights, and not merely money. He should have personal dignity, which would attract more people to domestic work and give much greater satisfaction therefor, although superficially it might seem more costly and troublesome.

I believe this is an important point which, by being tried out here, may very well be somewhat of a laboratory experiment for other States, and perhaps even in a broader context than we are considering here today.

Mr. MORSE. I quite agree with the Senator from New York.

I believe the Senator should know that various representatives from women's organizations appeared before the committee who made the same point, and also that domestics should be brought under the minimum wage program.

Mr. JAVITS. I thank the Senator.

I yield the floor.

Mr. MORSE. While I have the attention of the Senator from New York, I might add that 1½ million women in this country work as domestics, so we deal with no small labor force.

Mr. JAVITS. I realize that, and I am sure that the Senator agrees with me as to the great problem in this field in recent years.

Mr. MORSE. Mr. President, I understand that the Senator from Delaware [Mr. WILLIAMS] would like me to suggest the absence of a quorum.

Mr. WILLIAMS of Delaware. Yes. I thank the Senator.

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

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

AMENDMENT NO. 478

Mr. PROUTY. Mr. President, I call up my amendment (No. 478) to the committee amendment in the nature of a substitute.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 38, after line 5, add the following new subsection:

(d) The recordkeeping requirements of section 11, the posting requirement of section 12 and the penalties provided by section 14, shall not apply with respect to the employer of a domestic servant in a private residence.

Mr. PROUTY. Mr. President, the pending bill, H.R. 8126 provides minimum wage and overtime compensation protection for domestic employees in a private residence.

This amendment cuts from the bill a grievance encroachment of the governmental eye, ear, nose, and throat into the private home.

Without this amendment, Mr. President, a person who employs a domestic worker in his house or apartment could have to post a minimum wage notice on his dining room door, or wherever space was available.

Without this amendment, Mr. President, a homeowner or apartment dweller with a maid could have to keep a warehouse of extensive, detailed employment records, including the name, address, and occupation of the employee and, if an employee were under the age of 19, his or her date of birth.

Without this amendment, Mr. President, the homeowner or apartment dweller might need a certified public accountant to record the rate of pay, the amount paid each pay period to each employee, the hours worked each day and each workweek by the employee, the amount of board and lodging provided as part of the employment or the fair value of the uniform provided by the employer or required to be furnished by the employee.

Without this amendment, Mr. President, the homeowner could be asked to submit to annual audits and the Commissioners could demand from the homeowner or apartment dweller a sworn statement of such records and information upon forms prescribed or approved by the Commissioners.

Without this amendment, Mr. President, a woman who employs a maid could be required to, and now I quote the language of the bill:

Furnish to each employee at the time of payment of wages an itemized statement showing the date of the wage payment, gross wages paid, deductions from and additions to wages, net wages paid, hours worked during the pay period, and any other information as the Commissioners may prescribe by regulation.

Without this amendment, Mr. President, the employer of a domestic servant will have to make, keep, or preserve these

records for a period of not less than 3 years.

As if all this were not enough, Mr. President, he would have to make and preserve, and again I quote from the bill:

Such other records or information as the Commissioners shall prescribe by regulation as necessary or appropriate for the enforcement of the provisions of this Act or of the regulations or orders issued thereunder.

But, Mr. President, the "piece de resistance," the quintessence of bureaucratic involvement in the day-to-day lives of each resident of the District of Columbia, is the language which appears on page 38 of the bill and permits the Commissioners to knock on the residence door and demand to see or transcribe the required records. I quote the language of the bill:

Such records shall be open and made available for inspection or transcription by the Commissioners or their authorized representatives at any reasonable time.

Accordingly, Mr. President, I forewarn District of Columbia housewives not to be surprised some morning to find Commissioner Tobriner at the door with his clipboard.

Mr. President, as if these impositions on the patience, good nature, and understanding of the modern housewife were not enough, I would direct your attention to sections 13 and 14 of the bill.

If the housewife does not post the law or the appropriate wage orders in a conspicuous and accessible place in or about the premises, or if that gentle soul who graces our kitchen and brings us our slippers and irons our shirts does not find time during her working day to keep all the records the Commissioners may ask her to keep, and if that sweet thing should say, albeit under her breath, "this is the apotheosis of asininity," she may have made such a willful violation of the act as to entitle her to a $10,000 fine or 6 months in prison.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I yield.

Mr. WILLIAMS of Delaware. Do I correctly understand that without this amendment's being adopted every housewife in the District of Cloumbia will have to display the type of poster which I have in my hand, either in her dining room or in her kitchen, and that if she does not do so she will be subject to a $10,000 fine or 6 months in the penitentiary?

Mr. PROUTY. That is my understanding.

Mr. WILLIAMS of Delaware. I have heard of greed for power on the part of some bureaucrats; but is it not a little ridiculous to require the display of such a poster as this in every home? Will there be different color schemes to match the color of the paint of her kitchen or the decor of her dining room? The color of the poster I have in my hand is green.

Do I correctly understand that this poster must be displayed either in the dining room, where her guests will be served, or in the kitchen if a maid is employed in the kitchen, so that it may be in full view for reading at all times?

Mr. PROUTY. It will have to be displayed in a conspicuous place on the premises. It certainly would create a problem for even the most experienced decorator.

Mr. WILLIAMS of Delaware. I suggest that that may create a problem for those who try to enforce such a law. When they call on the housewives, present this poster, and attempt to make them hang it in their kitchen.

We have plans for the beautification of America. We have appropriated millions to beautify America. I believe that many housewives might suggest that this would not look good even on the outside of the house. It looks like a billboard.

I wonder how it would look in the White House. It would not go with some of the color schemes. Would this notice have to be posted on a prominent wall in the White House when the President is serving guests?

Mr. PROUTY. If the White House employed covered employees, it would.

Mr. WILLIAMS of Delaware. Mr. President, I suggest that there be a rollcall to settle this question. This is an attempt by some bureaucrat to go into homes and tell every housewife that he will put her in the penitentiary for 6 months or fine her $10,000 if she does not post one of these notices on a wall, in addition to complying with a system of books and records which not even the Government of the United States keeps for its American taxpayers.

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

Mr. PROUTY. I yield.

Mr. DIRKSEN. Mr. President, I believe it would be a capital idea if we were to make available to every housewife a fine Rembrandt or a Picasso or some work of art that conforms to the color scheme of the home. Then she can paste this notice on the back of the picture.

Mr. PROUTY. That has not yet been suggested by the Commissioners, but they should certainly explore the suggestion.

Mr. DIRKSEN. It would relate to the cultural projects and the beautification measures.

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

Mr. PROUTY. I yield.

Mr. HICKENLOOPER. The Senator from Illinois has made a very good suggestion. It seems to me that there are many unemployed, self-styled artists who swing paintbrushes around on canvas. They might be put to work designing something of this kind that would be universally acceptable to all decorative schemes in the kitchen or in other parts of the home where something like this would have to be hung.

I think it would be worthy of consideration to pursue that idea.

Mr. PROUTY. I must confess that, as a member of the Committee on the District of Columbia, I should have urged corrective action at the earliest consideration of the bill. I am equally at fault for letting a provision of this nature pass by.

Mr. WILLIAMS of Delaware. The Senator is rather modest. He is not responsible. He should take the credit for calling this matter to our attention. If it had not been for the efforts of the Senator, this provision might have been passed by Congress, and what a predicament we might be in when we go home and tell our wives what had been done. We would get a lesson on lobbying direct from headquarters if we went home and told our wives that they had to put up any such poster as this in their dining rooms or kitchens and keep it on display or be subject to a fine of $10,000 or imprisonment for 6 months in the penitentiary if they did not keep it prominently displayed.

I congratulate the Senator from Vermont for calling this to our attention. I only hope that the bureaucrat who dreamed of this grab for power over the homes of America will talk to his wife before he makes any other similar suggestion. For his sake let us hope he is not married, and he had better hope so.

Mr. PROUTY. Mr. President, as this bill is written, the wife who employs a maid is put to the same standard of posting, recordkeeping, and criminal penalties as the officers of the District of Columbia's largest corporations.

Let us take the housewife off the hook. My amendment, while still requiring her to pay her maid a minimum wage or time and a half for overtime, strikes from the bill all posting, all recordkeeping, and all criminal penalties as they would apply to the employer of domestic employees in a private home.

I urge its adoption.

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

Mr. PROUTY. I yield.

Mr. HICKENLOOPER. I congratulate the Senator for calling this to our attention.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a verbatim copy of this order which I believe it will be agreed is a comprehensive compilation of the requirements which probably would come into play under the bill as it now stands, without this amendment.

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

POST AND KEEP POSTED WHERE EMPLOYEES MAY READ—DISTRICT OF COLUMBIA MINIMUM WAGE AND INDUSTRIAL SAFETY BOARD—MINIMUM WAGE ORDER NO. 9—CLERICAL AND SEMITECHNICAL OCCUPATIONS—EFFECTIVE JULY 24, 1961—(THIS ORDER SUPERSEDES THE ORDER EFFECTIVE JUNE 8, 1954)

To Whom It May Concern Take Notice:

Pursuant to the authority in it vested by the District of Columbia minimum wage law of September 19, 1918 (40 Stat. 960; District of Columbia Code, 1951 edition, sections 36–401 through 422), as amended, the Minimum Wage and Industrial Safety Board of the District of Columbia, after investigation, being of the opinion that a substantial number of women workers in clerical occupations in the District of Columbia and a substantial number of women workers in semitechnical occupations in the District of Columbia are receiving "wages inadequate to supply them with the necessary cost of living to maintain them in health and protect their morals"; and having received recom-

mendations of the conference of representatives of employers and employees in the clerical and in the semitechnical occupations in the District of Columbia, together with representatives of the general public; and a public hearing upon said recommendations having been duly held in the District of Columbia on May 22, 1961; and having inquired into the wages of minors employed in clerical and semitechnical occupations and having determined that the minimum wages and standards hereinafter ordered are suitable for minors, the Minimum Wage and Industrial Safety Board of the District of Columbia does hereby order that—

1. Definitions: As used in this order:

(a) Clerical occupations: The term "clerical occupations" includes general office clerks, stenographers, typists, secretaries, file clerks, mail clerks, bookkeepers, cashiers, tellers, shipping clerks, receiving clerks, information clerks, receptionists, checkers, proofreaders, investigators, examiners, claim adjusters, messengers, office boys and girls, telephone operators, office machine operators, duplicating machine operators, telegraph messengers, telegraphic-typewriter operators, telegraph operators, collection clerks, tracer clerks, ticket agents, baggage agents, vehicle dispatchers, and similar occupations.

(b) Semitechnical occupations: The term "semitechnical occupations" includes:

(1) Practical nurses, nurses aids, house mothers, institutional attendants.

(2) Assistants to (a) physicians; (b) dentists; (c) laboratory technicians; (d) X-ray technicians; (e) personnel counselors; (f) labor relations counselors; (g) public relations counselors; (h) librarians; (i) educators; (j) social workers; (k) writers; (l) research workers; (m) statisticians; (n) editors and other assistants whose work requires similar training, skill, and supervision.

Excluded are clerical or semitechnical occupations covered by other District of Columbia wage orders, as for example, such occupations found in retail trade laundry, and dry cleaning, beauty culture, manufacturing and wholesaling, and hotel restaurant, and allied occupations.

(c) Employees: The term "employee" means any woman, and any person of either sex under 18 years of age, who works in a clerical or a semitechnical occupation, except that an employee whose work is part of the required course of study for credits toward a degree or whose work is required in order to obtain a license or certificate from the District of Columbia Government to engage in the practice of a profession is excluded from this order.

(d) Employer: The term "employer" means any person, firm, or corporation who directly or indirectly controls hours of work, wages, or working conditions of any employee.

(e) Split shift: The term "split shift" means a schedule of daily hours in which the hours worked are not consecutive, except that a schedule in which the time out for each meal does not exceed 1 hour shall not be deemed a "split shift."

(f) Uniform: The term "uniform" means any garment, dress, suit, apron, shirt, collar, cuffs, cap, or headband worn by the employee as a condition of employment. It shall be a presumption that uniforms are worn as a condition of employment if such garments are of a similar design, material, or color, including black and white, or form part of the decorative pattern of the establishment. Clothing customarily used for street wear or other wear away from the place of employment shall not be deemed a "uniform."

(g) Wage: The term "wage" means the unconditional payment in cash or by check, negotiable at par, by an employer to an employee as compensation for working time. Wages are not considered unconditionally paid if the employee pays directly or indirectly to the employer or another person for the employer's benefit the whole or part of the moneys delivered to the employee. In no case shall gratuities be included as part of the wage.

(h) Week: The term "week" means any period of 7 consecutive days.

(i) Working time: The term "working time" means all time the employee is (1) required to be on the employer's premises, on duty, or at a prescribed place; (2) permitted to work; or (3) required to travel in connection with the business of the employer.

2. Minimum wage standards:

No employer shall pay any employee a wage less than the following:

(a) Weekly wage: For each week in which working time is 32 but not more than 40 hours, $42.

(1) Exception for practical nurses, nurses aids, housemothers, and institutional attendants:

Effective July 24, 1961, $40.
Effective July 24, 1962, $41.
Effective July 24, 1963, $42.

(2) The applicable weekly wage may be prorated if the employee requests time off when work is available. The prorated hourly rate for the $40 wage is $1; for the $41 wage, $1.025; and for the $42 wage, $1.05.

(b) Part-time hourly wage: For working time of less than 32 hours per week, $1.20 per hour.

(1) Exception for practical nurses, nurses aids, housemothers, and institutional attendants:

Effective July 24, 1961, $1.10 per hour.
Effective July 24, 1962, $1.15 per hour.
Effective July 24, 1963, $1.20 per hour.

(2) Exception for students under 18 years of age: 90 cents per hour, provided the employer has on file a valid student certificate obtained from the Minimum Wage and Industrial Safety Board.

(3) Exception for students employed by the educational institution they are attending: 90 cents per hour.

(c) Overtime hourly wage: For working time in excess of 40 hours per week, $1.20 per hour.

(d) Wage rate under special license: A special license may be issued by the Minimum Wage and Industrial Safety Board to a woman whose earning capacity has been impaired by age or otherwise, authorizing her employment at a rate of pay to be fixed by the Board and stated in the license.

(e) Apprentice wage rate: For a period of not more than 1 year after an employee has been registered under the District of Columbia apprenticeship law, such employee may be paid at a rate not less than 80 percent of the minimum wage established in this order:

3. Regulations to safeguard minimum wage standards:

(a) Minimum daily wage: An employee shall be paid for at least 4 hours at the applicable rate for each day on which the employee reports for work under general or specific instructions but is given no work or is given less than 4 hours of work, provided that such payment does not apply to students employed by the educational institution they are attending and further provided that on days when school is in session, students under 18 years of age may be paid for the hours actually worked.

(b) Additional daily wage: An employee shall be paid $1.10 in addition to the minimum wage for each day during which (1) such employee works a split shift or (2) the total time between the beginning and ending of such employee's working time exceeds 11 hours, provided that such payment does not apply to students employed by the educational institution they are attending.

(c) Uniforms: The employer shall pay the cost of purchase, maintenance, and cleaning of uniforms, except that in lieu of purchasing, maintaining, and cleaning uniforms, the employer may pay 3 cents per hour in addition to the minimum wage.

(d) Travel expenses: In addition to the minimum wage, the employer shall pay the employee for travel expenses incurred by such employee in performance of the business of the employer.

(e) Deductions: No deductions, except those specifically authorized by law or court order or as specified below, shall be made which would bring the wage below the legal minimum without the written consent of the employee and the written approval of the Minimum Wage and Industrial Safety Board.

(1) Meals: Not more than 36 cents for each meal furnished the employee by the employer with the following daily limitations: For 4 or less hours of work, a deduction for not more than one meal; for over 4 hours of work, a deduction for not more than two meals; for an employee who lives at the place of employment, a deduction for not more than three meals.

(2) Lodging: When the employer furnishes lodging to the employee, not more than $5 a week for one person in a single room or not more than $4 a week for each of two persons in a double room; not more than the reasonable value of an apartment as determined by a comparison with the value of similar accommodations in the vicinity of those furnished.

4. Basis of payment: Irrespective of the basis of payment, whether time rate, piece rate, bonus, or commission, no employer shall pay any employee less than the minimum wage.

5. Time of payment: Every employer shall establish a regular periodic payday for each employee and shall pay to each employee on such payday not less than the minimum wage for all working time in the pay period.

6. Records: Every employer shall keep at the place of employment of each employee or at the employer's principal place of business in the District of Columbia an accurate record for each employee containing the following information:

(a) Name in full, address, and occupation.

(b) Date of birth if employee is under 18 years of age.

(c) Total number of hours worked each day and each week.

(d) Daily record of the hours of beginning and stopping work and the hours of beginning and ending the meal recess if the employee works a split shift or is covered by the hours law.

(e) For each pay period, gross wages and net wages, including additions to and deductions from wages.

(f) Regular periodic payday.

(g) Name of day and time of day on which employee's week begins.

Such records shall be kept on file for at least 3 years after the entry of the record and shall be open to inspection by the Minimum Wage and Industrial Safety Board and any of its duly authorized representatives.

7. Posting: Every employer shall keep a copy of this order posted in a conspicuous place where it can be read by all employees.

8. Separability: If any section, sentence, clause, or phrase of this order is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the order.

9. Repeal: Minimum Wage Order No. 9 entitled "Clerical and Technical Occupations," effective June 8, 1954, is hereby repealed, except with respect to rights accrued and liabilities incurred under said order prior to

the effective date of this order and except with respect to violations of said order occurring prior to the effective date of this order.

This order becomes effective July 24, 1961.

DISTRICT OF COLUMBIA MINIMUM WAGE AND INDUSTRIAL SAFETY BOARD.

CHARLES W. PUTNAM, *Chairman.*
CLAYTON B. ALDRICH.
RICHARD D. BAILEY.

Attest:

CARRIE L. ALLGOOD, *Executive Secretary.*

MAY 25, 1961.

(Penalties for violation: Any employer who violates any provision of this order is guilty of a misdemeanor, punishable by fine or imprisonment as provided by law. (See District of Columbia Minimum Wage Law of September 19, 1918, 40 Stat. 964; District of Columbia Code, 1951 edition, sec. 36-417.))

(Address inquiries regarding this order to District of Columbia Minimum Wage and Industrial Safety Board, 499 Pennsylvania Avenue NW., Washington, D.C., NAtional 8-6000.)

Mr. HICKENLOOPER. That is something that would have to be posted on the wall of the dining room or kitchen, fine print and all.

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

Mr. PROUTY. I yield.

Mr. SIMPSON. Mr. President, I join the Senator, because my wife does not like green, and this would not jibe with the new paint in the kitchen.

Mr. HICKENLOOPER. Mr. President, the reason I asked and received unanimous consent to have this order printed in the RECORD is that I am quite sure that if I had asked to have it printed in the Appendix of the daily RECORD the question would have been raised that it exceeds the maximum limit which we can have printed in the Appendix of the daily RECORD. If one were to read the details, I think he would find that it is an extremely long and complicated thing. The only way I could have it printed in the RECORD would be in conjunction with my remarks, because it would exceed the length of material that we are permitted to have printed in the Appendix of the RECORD. The public ought to be aware of that.

Mr. MORSE. Mr. President, I say to my friends the Senator from Vermont [Mr. PROUTY], the Senator from Delaware [Mr. WILLIAMS], the distinguished minority leader, the senior Senator from Iowa [Mr. HICKENLOOPER], and the junior Senator from Wyoming [Mr. SIMPSON] that I have enjoyed very much their good humor in light of the tragedy that they are seeking to remedy.

I have often said, and I believe that some of them have heard me say it, that the only difference between a mistake that I make and a mistake the other fellow makes is that when I make one it is really a blooper. This is one of those bloopers.

The Senator from Vermont very kindly stated that he is willing to take some of the responsibility. I take it all because I am chairman of the subcommittee; and when a Senator is chairman of a subcommittee and something like this goes through the subcommittee, through hearings, through executive session, and finally comes to a vote, and no one detects it, that is the fault of the chairman, and nobody else.

I take the responsibility. Of course, we all know, inexcusable as a mistake is, how this provision got into the bill. In drafting the bill, the Fair Labor Standards Act was followed. Of course, this is the procedure that is followed in connection with the enforcement of the Fair Labor Standards Act in businesses and industries. No one even thought of it being applied to housewives. Of course, it must come out.

I am going to offer, in a moment, a modification to the amendment of the Senator from Vermont, to which I hope he will agree. However, I say to my friend the Senator from Delaware that I appreciate his concern about Mrs. Johnson in the White House. However, it would not apply to Mrs. Johnson, because the White House is exempt under the bill anyway. The White House and Federal institutions are exempt. I am sure she will appreciate the great concern the Senator has for her. I shall see to it that she is advised that the Senator from Delaware has that concern. This provision ought to be stricken from the bill and we will strike it.

Even if it would apply to housewives, and it certainly should not, it would require, as it did in industry, willful violation. It provides that no person shall be imprisoned under this section except for an offense committed after the conviction of such person for a prior offense.

That is not much comfort, but they would not be put in prison the first time, just as they do not put a businessman or industrialist in prison the first time. It is a sort of probationary period that is allowed him after his first conviction. Of course, we must take this provision out.

Now, may I have the attention of my friend from Vermont [Mr. PROUTY] on the language that I have handed to him, for just a moment? If he will turn to page 38 of the bill, between lines 5 and 6, inserting the following language, there will be a new subsection (d):

The recordkeeping requirements of section 11, the posting requirement of section 12 and the penalties provided by section 14, shall not apply to any employer with respect to any employee of such employer employed as a domestic servant in the private home of such employer; except that with respect to such employee, the employer shall maintain such minimum records as the Commissioners may prescribe by regulation as necessary or appropriate for the enforcement of the provisions of this Act or of the regulations or orders issued thereunder.

Now, every housewife keeps those minimum records necessary for social security. All I am seeking here is that the only records she has to keep would be records of that type and the procedure for describing the records, if the Senator will note the language—and I state it to him again—"shall maintain such minimum records as the Commissioners may prescribe by regulation as necessary or appropriate for the enforcement of the provisions of this Act or of the regulations or orders issued thereunder."

Mr. PROUTY. If I understand the Senator's suggestion correctly, it would not require a housewife to keep any more records than she does for that employee under the Social Sercurity Act?

Mr. MORSE. Let the manager of the bill make perfectly clear, for the instruction of the Commissioners, that the only intent of this language is that they should not prescribe any record requirement that imposes greater requirements upon the housewife than the housewife now has in connection with keeping social security records and making reports thereon.

Mr. PROUTY. That is a fair approach. I have no objection to it.

Mr. MORSE. I would appreciate very much if the Senator would help me crawl out of the "blooper" in which I find myself, by the acceptance of that amendment to the bill.

Mr. PROUTY. I am happy to assist the Senator in that regard.

Mr. MORSE. The Senator is very kind.

Mr. HICKENLOOPER. Mr. President, will the Senator yield for a question?

Mr. MORSE. Yes.

Mr. HICKENLOOPER. Over the years, we have all seen amendments taken to conference and promptly dropped in the waste bin in conference, and a conference report brought back without an amendment which has been pretty generally approved of by the body that sent it over.

While I know the feeling of the Senator from Oregon—he is generally in favor of what the Senator from Vermont is trying to do—I wonder if the Senator from Oregon is willing to state that if the amendment as it is arranged between them at the present time, by some legerdemain of parliamentary procedure, should be thrown out in conference, the Senator from Oregon would oppose the conference report on that basis.

Mr. MORSE. I would if we ever reached that situation, but there is no danger of it, because the House bill does not contain the amendment which we are objecting to; and, therefore, we are willing to go to the House in conference with this language that the Senator from Vermont is willing to accept.

Mr. HICKENLOOPER. I understand——

Mr. MORSE. The House is not going to make the mistake we made in committee, but if the House came in with any such proposal, of course I would never agree to accepting it.

Mr. HICKENLOOPER. I have seen some rare instances on conference committees in which one body did not have a particular amendment in its bill as it passed. If such an amendment were put in by the other body, the House or Senate might rush up and say, "We accept the amendment" before it has ever been contested in the committee or anything else, or "we accept the proposal," or "we insist on altering it in some way to reach the purpose this amendment accomplishes."

Mr. MORSE. Let me say to the Senator from Iowa that I believe there is no danger of it at all; but if the House should seek to have the Senate conferees accept any amendment which has the remotest similarity to the language

of the Senate language which we are now dropping; namely, the posting requirement or imprisonment requirement, or a fine or penalty upon the housewife, the floor manager of this bill—and I am sure I speak for all my fellow committee members—would oppose the bill and refuse to bring it to the floor of the Senate.

Mr. HICKENLOOPER. I thank the Senator. That satisfies me so far as I am concerned.

May I ask one more question, while the Senator is so indulgent?

Mr. MORSE. Yes.

Mr. HICKENLOOPER. Is there a provision in the legislation now before us that the District Commissioners or any other authority in the District may raise the minimum wage?

Mr. MORSE. Oh, yes.

Mr. HICKENLOOPER. Arbitrarily, above the minimum that we established in this bill?

Mr. MORSE. Oh, yes. I have discussed that. That situation has existed for a good many years in the District of Columbia, in connection with the minimum wage law affecting women and children. It is a procedure that exists in some State minimum wage laws.

Let me explain to the Senator the way it works. The Commissioners appoint an ad hoc committee. It is a tripartite committee, consisting of public members, industry members, and labor members. They make a study of the wage situation in a given industry or occupation, and they make recommendations to the Commissioners.

The Commissioners are not bound by their recommendation. Let us take a hypothetical case. Let us assume that the minimum is $1.25. It is found that the minimum wage in that particular industry should be $1.30. The Commissioners are not bound to accept the report of the ad hoc committee.

The practice, I am advised, is that they hold a public hearing, and if they find that under the facts and circumstances of that particular business or industry, the minimum wage should be $1.30 instead of $1.25, they have the authority to raise it to that amount.

They have been doing that in the District for a good many years in regard to the minimum wages with respect to women and minors.

Mr. HICKENLOOPER. I thank the Senator.

Mr. WILLIAMS of Delaware. Mr. President, may I ask the Senator a question?

Mr. MORSE. Will the Senator let me send to the desk my proposed language for a modification?

Mr. President, I send to the desk a proposal for a modification of the Prouty amendment, and ask that it be stated.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). The proposed modification will be stated.

The LEGISLATIVE CLERK. On page 38, between lines 5 and 6, insert the following:

(d) The recordkeeping requirements of section 11, the posting requirements of section 12, and the penalties provided by section 14 shall not apply to an employer with respect to any employee of such employer employed as a domestic servant in the private home of such employer; except that with respect to such employee the employer shall maintain such minimum records as the Commissioners may prescribe by regulation as necessary or appropriate for the enforcement of the provisions of this Act or of the regulations or orders issued thereunder.

The PRESIDING OFFICER. The Chair inquires of the Senator from Vermont whether or not he accepts the modification suggested by the Senator from Oregon.

Mr. PROUTY. Yes.

The PRESIDING OFFICER. The amendment is so modified.

Mr. MORSE. I now yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. This may seem to be a joke, but on the other hand I was very serious about the fact that I thought there should be a record vote so there would be no question in the minds of conferees and the House as to where the Senate stood on this particular proposal.

Mr. MORSE. I am all for it.

Mr. WILLIAMS of Delaware. But I understand now that this was not a part of the House bill.

Mr. MORSE. No; but I have no objection to a yea-and-nay vote, if the Senator wishes it.

Mr. WILLIAMS of Delaware. I——

Mr. MORSE. I told the Senator from Vermont [Mr. PROUTY] that if some Senator indicated he wanted a record vote, I would cooperate.

Mr. WILLIAMS of Delaware. The reason I was suggesting a rollcall vote was so that we could go on record in clear terms to anyone concerned that the Senate did not approve of the proposal whereby a housewife could be forced to put up the same set of rules and regulations in her kitchen and dining room, as is required of a businessman, with a provision in the bill that she would be subject to a $10,000 fine or 6 months in the penitentiary for failing to post this ridiculous looking poster in her living quarters.

The amendment of the Senator from Vermont would delete that language. If we can have the assurance of the Senator from Oregon that in the event the bill comes back from the House if by any chance any part of the provision reinstating this language should be incorporated in the bill, he and his conferees will join us in opposing this bill in its entirety in order to defeat that. If so, I would be inclined to go along without taking the time of the Senate for a record vote.

But I do want it clear that if the measure comes back from the conference with any part of this provision which we are deleting here with the Prouty amendment, the Senator from Oregon and the conferees will join us in opposing the entire bill, if necessary, for the purpose of defeating that section.

Otherwise, I believe that we should go on record so that the House will know our position. I am confident that the vote in the Senate would be unanimous in favor of the housewife.

Mr. MORSE. I should like to make clear to the Senator from Delaware that, unthinkable as the thought is, if the House should seek to have the Senate conferees adopt an amendment which would require any posting of a notice in homes throughout the country, to which the Senator from Delaware is referring, or to impose any fine or imprisonment upon housewives for violations, I, as Senator in charge of the bill and a member of the conferees, would certainly oppose any such amendment.

However, I do not wish to have the record brought back to me with the statement that I agreed to no word changes in the amendment. I do not know what word changes might be suggested, but I would oppose any word changes which resulted in placing any such penalty upon the housewife or requiring any such posting. I can give the Senator from Delaware assurance on that score.

Mr. WILLIAMS of Delaware. That is what I wished to know. I am not wedded to the exact language in the amendment but am discussing the principle of having the housewife subject to fines or imprisonment under the measure if she fails to post a notice in her living room or dining room—any such ridiculous poster as would have been mandatory without the amendment. Such a requirement is unthinkable. Certainly with that assurance on the part of the Senator from Oregon—and I know that he means it and that he will also stand back of the principle about which we are speaking—I would not insist that there be a yea-and-nay vote, because I believe we have made it crystal clear as to what the Senate desires and what it would accept if the bill were sent back to us.

Mr. MORSE. If I may have the attention of the Senator from Delaware one moment further, and also my friend the Senator from Vermont, it is clearly understood that the bill does provide the right on the part of the employee to have the Commissioners act to bring suit against an employer—housewife in this case—if the housewife is violating the law.

Mr. WILLIAMS of Delaware. I am speaking of the provisions being corrected by this particular amendment; and under the circumstances——

Mr. MORSE. Let me make clear that I am in agreement with the Senator from Vermont on the point he has raised and also with the Senator from Delaware on the point he has so ably presented.

Mr. WILLIAMS of Delaware. That is the point I am discussing now, not the other features of the bill. I appreciate the assurance that the Senator from Oregon has given.

With that assurance I will not press for a record vote.

Mr. MORSE. It is all right to have a yea-and-nay vote, but it is not necessary.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 478), as modified, of the Senator from Vermont [Mr. PROUTY] to the committee amendment.

The amendment to the committee amendment, as modified, was agreed to.

AMENDMENT NO. 477

Mr. PROUTY. Mr. President, I call up my amendment No. 477, 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 read the amendment.

Mr. PROUTY. Mr. President, I ask unanimous consent that further 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. 477), offered by Mr. PROUTY, is as follows:

On page 22, beginning with line 16, strike all through line 21 and insert in lieu thereof the following:

"(b) 'Wage' means compensation due to an employee by reason of his employment including allowances for the reasonable cost of board, lodging, or other facilities or services, customarily furnished by the employer to the employees, or allowances for the fair value of gratuities customarily received by employees in any occupation in which gratuities have customarily and usually constituted and have been recognized as part of the remuneration for hiring purposes."

On page 30, beginning with line 23, strike all through the period on line 5, page 31, and insert in lieu thereof the following:

"(e) The committee report shall include, but shall not be limited to, recommendations for allowances for the reasonable cost of board, lodging, or other facilities or services, customarily furnished by the employer to the employee, or allowances for the fair value of gratuities customarily received by employees in any occupation in which gratuities have customarily and usually constituted and have been recognized as a part of the remuneration for hiring purposes. The committee may make a separate inquiry into and report on any branch of any occupation and may recommend different minimum wages for such branch of employment in the same occupation."

Mr. PROUTY. Mr. President, this amendment redefines the term "wage" to include the fair value or reasonable cost of tips, gratuities, board, and lodging.

In H.R. 8126, as it passed the House of Representatives, the term "wage" was defined so as to include the fair value received by the employee in board, lodging, apparel, or other facilities or services customarily furnished by the employer to the employee, as well as the reasonable value of gratuities.

The bill as reported by the Senate District Committee takes an entirely different approach. "Wages" are defined as legal tender received by the employee "including such allowances as may be permitted by any order or regulation, and so forth." The definition is so ambiguous and uncertain as to leave open the question whether the allowances spoken of must be likewise in "legal tender" so as to qualify for inclusion.

Aside from this ambiguity, H.R. 8126, as reported by the Senate District Committee, contains a definition of "wage" which is wholly inconsistent with the approach taken under the Fair Labor Standards Act.

Under FLSA "wage" includes the reasonable value of board and lodging. The amendments to FLSA sent up by the administration and now pending in both the House and Senate Labor Committees are designed, in part, to expand the definition of "wage" to include, besides board and lodging, the fair value of tips and gratuities.

H.R. 8126, as it is now before us, ignores the reasoned judgment of the Fair Labor Standards Act, disregards the reasoned judgment of the Department of Labor's recommendations on amending the Fair Labor Standards Act and suggests that somehow tips, gratuities, board, and lodging ought to be kept in mind, but that their inclusion in the computation of "wage" be left wholly to the discretion of the Commissioners.

In all candor and honesty, I cannot recall ever seeing draftsmanship of the type I have seen in this bill relating to tips, gratuities, board, lodging, and the like.

First, the bill's definition of "wage" makes no direct references to these forms of compensation. Buried deep in the bill is a procedure for setting up ad hoc advisory committees to review the minimum wage as it relates to any industry or trade. The committee is to come forward with a report on the need for a minimum wage above the statutory floor for that trade or industry.

The committee's report may include a recommendation for inclusion of tips, board, lodging, and so forth, in the computation of "wage" and, if the committee determines to include such considerations in the computation, it may also recommend a permissive allowance for the dollar amount of such extras to be included in the computation. At this point, even though a trade or industry has, as a major portion of its compensation to the employee, tips, board, lodging, and so forth, the committee is not required to take them into account, the dollar allowance may or may not have a relationship to the fair value received by the employee. Such important judgments are left to the unfettered discretion of the committee.

Now, as if the foregoing gives us little comfort the additional language of the bill is enough to bring on cold chills.

The Commissioners are empowered, under the Senate version of the bill, to issue wage orders going beyond the statutory minimum. In arriving at a new level of minimum wages for a particular business, the Commissioners may—and of course, may not—take into account the recommendations of the ad hoc advisory committee. And, if they do decide to take the committee's report into account, they may decide whether to take into account tips, board, and lodging. If they should decide to take them into account they may determine what permissive allowance to include in the compensation of the "wage."

Again, the inclusion of tips and board and lodging in the computation of wages an employee customarily and usually receives from his employer is left to the unfettered discretion of the Commissioners.

In other words, even though these items may constitute the major form of compensation for an employee, the committee or the Commissioners, or both, may elect to disregard this fact and impose upon the employer a minimum wage totally unrelated to these other means of compensation. The employer would have no recourse.

To this point, I have talked about the computation of the term "wage" as it relates to the issuance of wage orders in excess of the statutory floor. The almost unbelievable feature of this ambiguous compounding of "mays" and "permissive allowances" and unfettered discretionary authority vested in ad hoc committees and the Commissioners is that their pronouncements on the inclusion of tips, board and lodging in the computation of "wage" for subsequent wage orders (keeping in mind that no such pronouncements need be made) are incorporated by reference into the definition of "wage" applicable to the entire act, thereby rendering the definition wholly without meaning and substance.

Mr. President, my amendment would require the Commissioners and the ad hoc committees to take tips, board and lodging into consideration when computing wages for any purpose under the act, be it in determining the statutory floor or subsequent wage orders. Additionally, they would be required to do more than take an arbitrary stab at the value to be allowed. They would be required to give full allowances for the fair value or the reasonable cost of these items.

Mr. President, the restaurant and hotel trades are being brought under the minimum wage law for both male and female employees for the first time by this bill. The impact on this dynamic and significant part of Washington's economy by the enactment of this legislation may be substantial. It is important therefore that these trades, as well as the others in which the employees are compensated in media other than legal tender, be assured that this bill and its subsequent administration will be fairly and equitably applied.

We are asked so much these days not to tie the administrators hands with specific legislative language. We are asked to give them a free rein to do the job as they see fit. We rely so much these days on the divine guidance and benevolence of the administrators of our laws that we may some day find to our embarrassment we no longer run the country.

We ought not sit idly by and leave the fate of a major sector of the District's economy in the hands of the Commissioners or their committees. We ought not permit this gaping loophole in the District of Columbia minimum wage bill to pass unnoticed. We ought not support a provision which would allow the administrators to completely and totally ignore the existence of a major form of employee compensation and ignore it with impunity.

So, Mr. President, I ask my colleagues to follow the course which has already been set by the Fair Labor Standards Act. I ask them to follow the recommendations of the administration that tips, board, and lodging be included in the computation of minimum wages. I ask them to reject a concept which relies wholly on the good graces and good faith of the administrators for its proper application.

Mr. MORSE. Mr. President, the proposals of the Senator from Vermont, if I understand them correctly—and I shall make some suggestions to meet what I think are his criticisms of the bill in its present wording—make three substantive changes.

First, the amendment makes it mandatory for an ad hoc committee to include, in any revised wage order, allowances for board, lodging, other facilities, and tips.

Second, it requires the committee to make an allowance for the "fair value" of tips, instead of "a reasonable allowance," as provided in section 5(e), page 31, lines 1 and 2.

Third, it deletes the requirement that wages must be paid in cash or negotiable check.

The proposal of the Senator from Vermont to make mandatory the inclusion of allowances for board, lodging, other facilities, and tips appears reasonable, and I support it, and I shall offer language that I hope he can accept.

We are advised by the District Minimum Wage and Industrial Safety Board that, for all practical purposes, they are following this procedure in setting minimum wage rates under the present law. But we must have a guarantee to make it mandatory.

So, to accomplish this, I shall offer an amendment to change the word "may" on page 30, line 23 of the bill, to the word "shall."

Then I shall offer an amendment that will make it clear that they include "reasonable allowances."

When we come to the matter of fair value, I hope the Senator from Vermont [Mr. PROUTY] will accept the language "reasonable allowance," because of the administrative problems that the language "fair value" would require.

This is what would happen under the administrative procedure: Let us take a chain of restaurants. A hearing is held. The members of the Board go into the question of what the tips average. They decide that the average is 30 or 35 cents an hour, or 45 cents an hour. It is agreed by all concerned that that will be computed as a part of the wage of the employee.

If the requirements of "fair value" are followed, there will be serious administrative problems.

As the Senator knows, a waitress takes a tip and puts it into her apron pocket. Others take their tips and deposit them somewhere else on their persons. One has to rely on the report of the employees as to how much they received. It creates much friction and often leads to bad employee-employer relationships. So a procedure on the value of tips has been worked out. They have worked out a "reasonable allowance" on the basis of what their understanding of the amount of tips seems to be.

So far as paying in check or cash is concerned, that is very important to an employer from the standpoint of having an accurate accounting record for tax purposes as well as for meeting the requirements of paying the minimum wage.

I shall read the suggested amendments to the Senator from Vermont for resolving the problem, which I thank him for raising. I propose the following:

On page 30, line 23, strike out "may" and insert "shall".

On page 30, line 24, strike out "permissible" and insert "reasonable".

On page 32, line 1, strike out "may" and insert "shall".

On page 32, line 2, strike out "and classifications as are referred to in section 5(e)" and insert in lieu thereof "as are referred to in section 5(e) and recommended in the report".

On page 33, line 19, beginning with the semicolon, strike out all through "allowance" on line 20 and insert in lieu thereof a semicolon and "and shall include reasonable allowances".

On page 33, line 21, immediately after the semicolon, insert "reasonable".

I offer those changes. I think they will comply with the major objections of the Senator from Vermont and leave the bill in a much more workable form.

Mr. PROUTY. Mr. President, I accept this language as a modification of my amendments. I think it is a reasonable approach.

Mr. MORSE. I thank the Senator.

I request that the Senator's amendments be modified in accordance with the language I have just sent to the desk.

The PRESIDING OFFICER. The Chair is advised that the suggestion of the Senator from Oregon would be handled better if the Senator from Vermont would withdraw the original amendments and offer the new amendments as suggested by the Senator from Oregon.

Mr. PROUTY. I withdraw my amendment numbered 477 and offer the amendment suggested by the Senator from Oregon.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. PROUTY] to the committee amendment in the nature of a substitute.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The committee amendment is open to further amendment.

Mr. MORSE. 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. PROUTY. 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. PROUTY. Mr. President, on behalf of the distinguished junior Senator from Colorado [Mr. DOMINICK], I send to the desk an amendment to the committee amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. PROUTY. 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 29, beginning with line 1, strike out all through line 24 on page 32.

On page 22, line 21, strike out ", 5, 6, or 7" and insert in lieu thereof "or 5".

On page 25, line 20, beginning with "not", strike out all through "section" on line 21 and insert in lieu thereof "of $1.25 an hour or at such rate as may, from time to time, be established by section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(a)(1)), whichever is the greater,".

On page 26, line 11, strike out "7" and insert "5".

On page 26, line 20, beginning with the comma, strike out all through the comma on line 21.

On page 26, line 23, beginning with "the", strike out all through "and" on line 24 and insert in lieu thereof the following: "provisions setting the minimum wage at a rate of $1.25 an hour or at such rate as may, from time to time, be established by section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, whichever is the greater, and the overtime provisions as prescribed in subsection".

On page 27, line 1, strike out "7" and insert "5".

On page 33, line 2, strike out "7" and insert "5".

On page 34, line 12, strike out "8" and insert "6".

On page 36, line 9, strike out "SEC. 9." and insert "SEC. 7.".

On page 37, line 2, strike out "10" and insert "8".

On page 38, line 7, strike out "11" and insert "9".

On page 39, line 8, strike out "12" and insert "10".

On page 39, line 18, strike out "13" and insert "11".

On page 39, line 24, strike out "11" and insert "9".

On page 39, line 25, strike out "12" and insert "10".

On page 40, line 1, strike out "7" and insert "5".

On page 40, line 22, strike out "12" and insert "10".

On page 40, line 24, strike out "14" and insert "12".

On page 40, line 25, strike out "13" and insert "11".

On page 41, line 10, strike out "15" and insert "13".

On page 43, line 5, strike out "16" and insert "14".

On page 43, line 14, strike out "17" and insert "15".

On page 43, line 21, strike out "18" and insert "16".

Mr. PROUTY. Mr. President, the junior Senator from Colorado [Mr. DOMINICK] was unable to be present today because of a speaking engagement in Colorado which could not be canceled at the last minute.

I have a statement which has been prepared by him which I have not had an opportunity to read. I shall read it in his behalf. I am sympathetic with the principles of his amendment and I intend to support it. I am unable to say whether I will find myself in agreement with everything in the statement.

STATEMENT BY SENATOR DOMINICK

I wish to express the strongest possible objection to action taken by the Department of Labor this week concerning the legislation now under consideration on the District of Columbia. The Labor Department has apparently notified the distinguished senior Senator from Oregon who is managing the

District of Columbia minimum wage bill that they, the Department of Labor, refuse to consider my amendment to H.R. 8126.

My amendment would eliminate the power of the District of Columbia Commissioners to arbitrarily raise the minimum wage above the statutory limitations proposed by H.R. 8126. It would not affect that portion of the bill which would permit automatic escalation of the District of Columbia minimum wage to the level set by any increase in the Fair Labor Standards Act, nor would it affect any existing wage orders.

The issue at stake here is much larger than the substance of the amendment or of the pending legislation itself for the unamended bill already enables the District government to fulfill functions normally reserved for Congress. It is, therefore, not a question of whether or not Congress is willing to relinquish part of its authority to the District Commissioners of its own volition. The substance of the unamended bill clearly indicates that it is willing to do so. It is rather a question of whether Congress is even going to consider amending the bill or whether it is going to be dictated to by a department of the executive branch. Who in the world are the people in the Labor Department to tell us we cannot consider an amendment to a piece of pending legislation? By what authority do they pass down a take-it-or-leave-it dictum? I, for one, refuse to accept such an order which has no basis in law and which is contrary to normal legislative procedures.

We are faced here with an arrogance of power manifested within the executive branch which is not only contrary to accepted cooperative procedures between the executive and legislative branches of government, but is in direct conflict with the constitutionally assigned responsibilities of the Congress.

The District of Columbia is still, at this point in time, a Federal city chartered, structured, financed, and governed under the auspices of the U.S. Congress. It is not, and I repeat not, an agency or ward of the Department of Labor or of any other department of the executive branch.

The Constitution of the United States is quite explicit on the status of the Federal city. The Founding Fathers, recognizing that the District of Columbia was the focal point of our national governmental structure and also recognizing that it would be dependent upon taxes levied from citizens all across the land, wisely decreed that final governing authority should remain in the most representative branch of our Government, the House and Senate. Obviously, it would have been impossible for these molders of our Nation to envision the dynamic changes which have taken place within our society. They did, however, fully realize that the Congress would be a weather vane of national attitudes and should, therefore, have the power to adjust the Federal city's status accordingly.

In recent years Congress has been attempting to tread judiciously along the fine line between the wishes of the local inhabitants of the Federal city and those who must support it in large measure across the land. This has been no easy task and the pressure for revamping of the city's governing structure has grown greater each year. Thus, it appears quite likely that in the not-too-distant future there will be instituted some form of home rule for the Federal city to more effectively meet the complex problems of a modern metropolis. This is as it should be and is as the Founding Fathers would have wished, for the decision of whether to grant home rule rests in the hands of Congress. The determination of what characteristics a home-rule charter should have also rests in the hands of the legislative branch.

The fact of the matter is, however, that home rule in not yet a reality, nor have the Members of Congress relinquished their constitutional responsibility to determine how the District of Columbia will be governed. While many of us, including myself, voted in favor of home rule during the last session, we did not wish these votes to be misconstrued by the executive branch into a blank check endorsement of executive fiats. Nor do we intend that any such votes in the future should fall into that category. The Department of Labor's attitude in this matter is uncalled for, unjustified, and unconstitutional. The Department's arrogance in attempting to dictate to the Congress on what they will or will not accept is outrageous and should not be tolerated.

Had the Department of Labor or any other affected segment of the executive branch indicated a willingness to reach a rational solution within the scope of their legal authority, they would have met with little dissent from Congress. Had the Department of Labor been willing to accept the perfectly reasonable compromise offered by Congress whereby all existing orders could remain in effect until superseded by further legislation, there would have been no resistance from the Congress. Had the Department of Labor proven by its actions that its sole interest was the well-being of the citizens of the District of Columbia rather than the delegation of illegal powers to itself, who among us could object?

However, the Department of Labor has not shown a willingness to be rational or reasonable in this matter, nor have they adopted an attitude clearly designed to promote either good government in the Federal city or proper relations with Congress. They have instead adopted as arrogant and as arbitrary an attitude as any ever taken by a branch of our National Government.

The Department of Labor's attitude in this matter exceeds the disdain for public good it has shown in the ill-fated bracero program and the ill-advised program to repeal section 14(b) of the Taft-Hartley Act. They have flaunted their arrogance in the face of Congress and dared us to try and stop them. They have completely ignored congressional constitutional prerogatives in this situation and have usurped powers never granted to them.

I would remind Senators that this is not the first time such power-grasping actions have taken place within a department or agency of the executive branch of our Government. Nor will it be the last time such power grabs are attempted unless we act to stop them dead in their tracks now.

Each of us has a deep responsibility to the people of this Nation to uphold the Constitution. We have all sworn to this in our oath of office. We have an equally deep responsibility to remain constantly alert for acts, wherever they occur, which disturb the delicate balance of powers in our Federal Government. This balance of powers has, as much as any other single factor, been responsible for the stability of our Government and the growth of our Nation. To relinquish these responsibilities to the faceless bureaucracy of a Federal department which is almost beyond the reach and wrath of the American citizenry would be a betrayal of our solemn oaths and the trust vested in each of us by our constituents.

For these reasons, I urge the Senate to act now and without equivocation to prevent further growth of the executive authority at the expense of the Legislature. The power-hungry, irresponsible persons within the Department of Labor who have defied the Constitution and the Congress must not be allowed to continue on such a course. They may be unresponsive to the wishes of the people but they must not be untouchable by the representatives of the people, the U.S. Congress.

Mr. President, again I wish to make it clear that the statement I have just read was prepared by the junior Senator from Colorado [Mr. DOMINICK]. On his behalf, I have read the statement and have offered his amendment.

Mr. MORSE. Mr. President, I wish to speak about the substantive facts that are involved in the amendment which my good friend from Colorado [Mr. DOMINICK] has offered.

I say most respectfully that the Department of Labor is not at all in issue in regard to the section of the bill which the Senator from Colorado [Mr. DOMINICK] wishes to change. I can say as chairman of the subcommittee that the Department of Labor has never sought to dictate to the committee what legislation we should pass. The chairman of the committee and other members of the committee, as well, and also the staff of the committee, have sought information from the Department of Labor. We have, on our own, asked the Department of Labor to advise us what their practices are in other jurisdictions in relation to various aspects and sections of the bill.

Mr. Goldberg, from the Department of Labor, who sits beside me on the floor of the Senate as a technical adviser, and is here at the request of the committee, sat with the subcommittee during our consideration of the bill. As Senators know, I always refer to my handling of a bill as a seminar, and I call upon the executive departments of the Government that have jurisdiction over the general subject of such bills to send up a few "graduate students" to participate in the seminar with me. Mr. Goldberg has been one of our very best "graduate students," to use my academic analogy. He has been exceedingly helpful to us. He has received assignments from the chairman and other members of the committee. He has supplied us with certain factual information that we have used in fulfilling our legislative responsibilities in bringing before the Senate the final draft of a given piece of proposed legislation.

I wish to say for Mr. Goldberg's benefit that it is my testimony that he has never sought to tell the committee the kind of legislation it should or should not propose.

I have advised with officials in the Department of Labor from time to time in regard to minimum wage legislation as it concerns practices that exist in other States, and I shall refer to some of those practices momentarily. We shall have before us in due course of time, as the Presiding Officer [Mr. MCGOVERN] knows, some proposed changes in the Fair Labor Standards Act. I have spoken with officials in the Department of Labor from time to time with regard to them.

I was approached several days ago by the Senator from Colorado in regard to this amendment.

I told him I would look into it. He presented it to me. It seemed to have a good deal of merit. I did look into it. The amendment was not a justifiable amendment. I explained to him that I had obtained from the committee staff and from the Department of Labor certain factual material that caused me to

oppose the amendment. I wanted him to know that.

I did say that I had told my friend, the Senator from Vermont, that the Senator from Colorado told me he could not be present today, and that I would assure him that his amendment would be presented, that I would present it if no one else did. Of course as was the most appropriate thing to do, he asked the Senator from Vermont, his colleague on the minority side of the committee, to present the amendment.

I told the Senator from Colorado that if it came to a rollcall vote, I would be willing to give him a live pair as a matter of courtesy, although I am opposed to his amendment. I hope that the Senate will not agree to his amendment.

There is no question about the sincerity of the Senator from Colorado, but certainly in fairness to the Department of Labor, to the District Commissioners, and to the Minimum Wage Board in the District of Columbia, from whom we have obtained certain factual information which I have presented, I want to say as the chairman of the subcommittee, and as manager of the bill, that we have received no dictation from anyone. We have received the advice that we have asked for. We have received advice in response to our inquiries for advice.

I want to go to the merits of the substantive issue raised by the Senator from Colorado. Mr. President, for a good many years in the District of Columbia in connection with our minimum wage bill relating to women and minors, we have had, as I said in the discussion of an earlier amendment today, the authority vested in the District of Columbia Minimum Wage Board to raise the minimum wage above the minimum wage of the Fair Labor Standards Act.

If we should adopt the amendment of the Senator from Colorado, what we might be doing is to lower the wages already authorized by the Wage Board, and ad hoc committees for 40,000 employees out of a total of 87,000 employees covered by the minimum wage law for women and for minors.

Mr. PROUTY. Mr. President, will the Senator yield at that point?

Mr. MORSE. I yield.

Mr. PROUTY. It certainly is not the intention or effect of this amendment to accomplish that purpose. How does the Senator reach that conclusion?

Mr. MORSE. If we were to agree to the amendment of the Senator from Colorado, which amendment provides that the wage cannot go above the minimum of the Fair Labor Standards Act—and there is already a provision in the existing minimum wage law in the District of Columbia as it affects women and children—we would in effect be adopting a principle that could say to these 40,000 people for whom wages higher than the minimum have already been provided that they should not receive those wages.

These proposed increases are not very high—$1.30, or $1.35. The building service industry in particular is involved. We also have, for part-time employees, a part-time rate of $1.40.

I do not believe that we should adopt here this afternoon a policy for the District of Columbia that is at variance with the practice that has prevailed in relation to the setting of wages for women and minors for a long time. Furthermore, I do not understand the argument of my good friend the Senator from Colorado, concerning what home rule has to do with the issue before us.

Certainly Congress under the Constitution has the responsibility to govern the District of Columbia. How do we do it? We do it by a considerable amount of delegation of authority. We have a Board of Commissioners. We have authorized the Commissioners to provide for the ad hoc committees. They are not acting in violation of any of their authority. That is the present governmental structure of the District.

I cannot reach any other conclusion. The amendment of the Senator from Colorado would mean that we are not going to permit that procedure in the future in respect to the employees who would come under the jurisdiction of the minimum wage bill that we hope to pass this afternoon.

Mr. President, we are not doing something in the District of Columbia that is not done elsewhere. For example, Alaska, Massachusetts, and California follow the procedure that we are proposing in this bill. The States of Arizona, California, Colorado, the District of Columbia, Kentucky, Minnesota, New Jersey, North Dakota, Ohio, Oregon, Utah, Wisconsin, Illinois, Kansas, and Louisiana provide in their legislation for the establishment of wage boards, which is the practice, as I say, that is followed in the District of Columbia.

Mr. President, we must protect the procedure that is provided. We have our tripartite ad hoc committees which have to recommend to the District Commissioners. The Commissioners do not have to accept the recommendations.

I explained earlier in the debate that the District Commissioners may hold a public hearing to look into the facts.

We would be taking a step backward if we were to agree to the proposed amendment of the Senator from Colorado this afternoon by categorically saying, "You cannot have a wage imposed under your Wage Board procedure in the District of Columbia above the minimum of the Federal act."

That, in my judgment, is an attempt to place a restriction upon the administrators that we have placed in authority in the District of Columbia to assist us in governing this District.

I do not see any relationship between the continuation of that practice and the observations of my friend in regard to home rule.

If we had home rule, there would be little doubt that the District government itself would continue the Wage Board approach.

I hope the amendment will be defeated.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. PROUTY] on behalf of the Senator from Colorado [Mr. DOMINICK] to the committee amendment in the nature of a substitute.

Mr. PROUTY. Mr. President, I should like to call to the attention of my friend the distinguished senior Senator from Oregon, that page 12 of the committee report, referring to section 2 of the bill, reads:

> No amendments made by it shall affect any provision of law or any regulation or order which prior to the effective date of the bill prescribes additional or more favorable standards relating to minimum wages, maximum hours, overtime compensation, or other working conditions.

The amendment does not disturb any past orders or orders required to be made by this bill. It would bar orders which exceed the District of Columbia statutory floor or national floor, whichever is higher. Undoubtedly the national floor will go up very shortly. It seems to me that the Senator is in error when he suggests that some wages would actually be reduced by the amendment. That is not correct.

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

Mr. PROUTY. I yield.

Mr. MORSE. The Senator is correct; it could not reduce existing wages. But what it does do is prevent Wage Boards from continuing their present work of giving consideration to increasing some wages in order to bring them up to par, to wage increases that they have already ordered; and I believe that would be an unfair discrimination against those employees.

The question which should be met by the Senator from Colorado, through his spokesmen here this afternoon as well as the Senator from Vermont in his own right, is whether or not the procedures for the Wage Board policy in the District of Columbia are working any injustice, whether there is any need for changing them. What is wrong with them?

So long as we have the safeguards that our present procedure provides, we should not this afternoon say, in effect, "We are going to stop the further operation of the Wage Boards in the District of Columbia."

That would be the effect of the amendment.

Mr. PROUTY. Mr. President, this amendment would remove from the pending bill those sections empowering the Board of Commissioners of the District of Columbia to issue wage orders which exceed the statutory floor.

By the terms of H.R. 8126 the Commissioners may issue wage orders not limited in amount. It is technically possible under this bill to provide by administrative decree minimum wages of $2.00, $5.00 or $10.00 an hour.

The hearing record on this bill does not fully disclose what other States or jurisdictions authorize the establishment of minimum wage levels by administrative decree which exceed the statutory floor. Historically minimum wage determinations have fallen within the legislative domain, and for good reason. The legislative body is obligated by its nature to take into account all of the arguments, reasons and persuasions put

forward by all interested citizens. An administrative determination of minimum wage levels is not inherently so broadly responsive to the community needs and interests.

If it is unorthodox to vest broad wage setting powers in the Board of Commissioners, it borders on the irresponsible to vest in them such powers without the benefit of legislative guidelines and limitations.

The Department of Labor and the Board of Commissioners maintain that complete and unfettered discretion should be vested in the administrator so as to leave him free to make just and sagacious determinations But, behind these lofty objectives is the plain and simple fact that these procedures are intended to bypass the Congress. The language of this bill is an outright invasion of the legislative domain. Adoption of this language in the bill will entirely eliminate the Congressional role in minimum wage determinations for the District of Columbia.

Is that what the Senate wants?

Senator DOMINICK's amendment is opposed by the Department of Labor. I understand the Department is lobbying against it. Is the District of Columbia, without representation in the House or Senate, subject only to the Department's whim and fancy? Is the Department of Labor asking the Senate to enact for the District of Columbia a provision it would not dare suggest for enactment in the 50 States?

Analogously, is Secretary Wirtz firmly convinced that his agency ought to have the power to set Federal minimum wage rates by fiat? If he is, I urge him to come forward during this session of Congress with such a proposal.

Is the administration asking enactment of a law for the District of Columbia which it would find inappropriate for any other jurisdiction?

The Department of Labor, in its fact sheet 4–A on State minimum wage laws, points out that since 1939 States enacting minimum wage legislation have followed the statutory floor pattern of the Federal act. This interesting booklet also points out that in no instance in a State having both a statutory floor and wage order powers has a wage order been issued which exceeds the statutory floor. Two States with wage order powers alone have elected to exceed the Federal wage floor. They are the industrialized and populous California and New Jersey.

Now the Department of Labor recommends an abrupt and total departure from the practices in the other States in the Union. It suggests that the District of Columbia should not only tie its minimum wage floor to the Fair Labor Standards Act, it also should be encouraged to issue wage orders in excess of that floor. The Department of Labor attempts to foist on the District what is practiced nowhere else in the United States.

I ask my colleagues to do no less for the District than they would do for their own constituents. I ask them to reject this concept so alien to the Federal theory and practice of minimum wage determination.

On the subject of the District's lack of self-government, I feel compelled to raise these additional considerations.

If home rule is adopted, in whom will these new powers be vested? Will the city council set the minimum wage rate? Or, under some theory of the administration's home rule bill, would this power be vested in the mayor?

If under the administration's home rule bill the power would vest in the city council two questions arise: What experience, background, or affinity would this brandnew city council have for the intricate and complicated affairs relating to wage determinations?

Not knowing the character or caliber of the men who will run the city government, I am reluctant to create at this time new and unheard of powers in the field of minimum wage determination and vest them in a governmental form which may soon give way to untried leadership.

Looking at this problem from another vantage point, Mr. President, does the Department of Labor want to impose a minimum wage law which would be binding on the new city government under home rule? If the Department's suggestions are as meritorious as they protest they are, then the people of the District of Columbia ought to have the opportunity to decide, after the establishment of home rule, whether or not they want the Department of Labor to cram their wage theories down the throats of the residents of the District. I feel certain that the city fathers under home rule would overwhelmingly reject dictation of local matters by a wholly Federal agency.

If this is a matter appropriate to the affairs of the District of Columbia, let us leave it to local determination.

While I am concerned over the quality of leadership in a new local government, I would prefer to let that government evolve its own legislative theories on minimum wage than vest in it broad, mandatory, and limitless powers.

In conclusion, Mr. President, my colleague's amendment merits your consideration and approval.

It will uphold the traditions and sound foundations of established minimum wage doctrines.

It will prevent the Department of Labor from using the District as a guinea pig for experiments it would not dare attempt on a national basis.

It will prevent disturbance of the delicate balance now maintained on the question of home rule.

It will prevent the vesting of autonomous minimum wage authority in a government not responsible to the people.

It will prevent prejudgment of matters which should be left to the determination of a local government under home rule.

And, most importantly, Mr. President, Senator DOMINICK's amendment prohibits the unwarranted and unthinkable disposal of important legislative function to the unresponsive hands of disinterested administrations.

Mr. MORSE. Mr. President, I wish to reply briefly to my friend from Vermont.

First. The Department of Labor is not at issue in this amendment. The question of the Department of Labor dictating anything to the Congress of the United States is not in issue, any more than the Department of Labor is at issue in the 15 States which have wage board procedures, any more than the Department of Labor is at issue in Alaska or Massachusetts or California, in regard to the wage orders that they have issued which go above the minimum.

My second point is that there has been a minimum wage law in the District of Columbia since 1918. The procedure which the Senator from Colorado is now discussing so strenuously has prevailed in the District of Columbia since 1918, with regard to the minimum wage law which has regulated the wages for women and minors. Has that been an encroachment on the powers of the Congress since 1918?

The residue power already exists, and always remains with the Congress. If any abuses develop in connection with the administrative practices of those whom we place in charge of the District government to administer the affairs of this city, we can enact whatever legislation is necessary to repeal or modify our proposals.

Mr. President, as my third point, I wish to stress the fact that the discussion by the Senator from Vermont on behalf of the Senator from Colorado of the national minimum wage figure is, of course, based upon a decision reached concerning the composite economy of the various sections of the country which include rural areas and industrial areas. The reason why so many States have found it desirable to have available the use of a wage board—such as the one in the District of Columbia, which acts on the basis of an ad hoc tripartite committee—is that in some industrial areas such as San Francisco, for example, and some of the highly industrialized areas of Massachusetts, the cost of living is much higher than it is in the rural areas of those States. Thus, they provide in those States, under State laws—and the Senate today is acting, really, in one sense, as a State legislature, or a city council, for the District of Columbia—for wage boards which can take into consideration whatever facts can be presented to a tripartite board which would justify a wage somewhat higher than the so-called national scale.

That is not the act of the Department of Labor. That is the act of the States. They have found that this procedure should be available. As I had said earlier, which was reiterated by my good friend the Senator from Vermont, there are very few instances in which wage boards have raised the wage above the national figure. I pointed out that in the District of Columbia it has been raised to $1.30 in one case, $1.35 in another, and for part-time workers the rate has been figured on a base of $1.40.

In Alaska, there are some instances in which it went to $1.75. Those who know the great differences in the cost of living as between Alaska and the mainland can understand why that might have occurred.

In Massachusetts, the minimum wage is $1.30. In California, in one instance, it is $1.30. That is wage orders only. We are not dealing here with giving a wild, arbitrary discretion to officials in the District of Columbia, because we sit in this Chamber to check them. But I believe it would be very unfair for the Senate to adopt an amendment this afternoon which would say to the Wage Board and to the District Commissioners that in the future we are not going to allow them to consider the same problems they have already considered on behalf of 40,000 out of a total of 87,000 persons already covered by the minimum wage law in the District of Columbia.

I believe that the procedure is fair, and I believe that it is necessary. I believe that it should be continued, and I hope that the amendment of the Senator from Colorado will be defeated.

Mr. PROUTY. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. PROUTY. All that needs to be said on this question has been said. I should like to have a live quorum and ask for a yea-and-nay vote on behalf of the Senator from Colorado, and to speak for 2 or 3 minutes to reiterate what his amendment is all about; if the Senator from Oregon is agreeable, we can proceed along those lines.

Mr. MORSE. I am willing to have a live quorum call.

Mr. KUCHEL. Mr. President, will the Senator from Oregon withhold that request for a moment, so that I may inquire of him whether I correctly understood him to say that under the national minimum wage legislation, provision is now made in the law to provide that the States of the Union, after appropriate hearings before some State-established wage board, may raise the minimum wage?

Mr. MORSE. No; not in the national law. What I have said is that the States of California and Massachusetts have enacted State legislation which provides for the setting up of wage boards whereby, on the recommendation of wage boards which follow the procedures, the minimum wages may be raised in a given State above the national figure. At least 15 other States have wage boards with certain procedures available; but, as I have said, wage orders have not as yet been issued setting wages above the national minimum.

Mr. KUCHEL. In the District of Columbia, under the Federal law which applies to the District of Columbia, has the Board of District Commissioners adopted wage orders to increase the national minimum wage in certain instances?

Mr. MORSE. Let me explain that. We have to be careful in the use of the word "Federal." Of course, it is Federal legislation because it is enacted by Congress.

Mr. KUCHEL. The Senator is correct.

Mr. MORSE. But it is not the fair labor standards legislation.

Mr. KUCHEL. The Senator is correct.

Mr. MORSE. Because that covers the Nation as a whole. Since 1918, there has been a minimum wage law in the District of Columbia relating to women and minors. Under the procedures of that law, the wage board procedure has been adopted. The Commissioners will appoint an ad hoc tripartite committee, representing workers, employers, and the public, and they will study the situation and bring in a recommendation to the Commissioners. They may recommend that the wage for that particular industry should be X cents above the Federal minimum wage. Now they have issued such orders in the District of Columbia covering 40,000 of the 87,000 employees who would come under the District Minimum Wage Act for women and minors.

The Dominick amendment would merely provide that in the District of Columbia we cannot henceforth go above the Fair Labor Standards Act figure.

Mr. KUCHEL. I thank the Senator from Oregon.

Mr. MORSE. Mr. President, I suggest the absence of a quorum and ask that it be a live quorum.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 6 Leg.]

Aiken	Hartke	Mundt
Anderson	Hayden	Murphy
Bartlett	Hickenlooper	Muskie
Bayh	Hill	Pastore
Bennett	Holland	Pearson
Bible	Hruska	Pell
Brewster	Jackson	Prouty
Byrd, Va.	Javits	Proxmire
Byrd, W. Va.	Jordan, N.C.	Robertson
Carlson	Jordan, Idaho	Russell, Ga.
Case	Kennedy, Mass.	Saltonstall
Church	Kuchel	Simpson
Clark	Long, Mo.	Smith
Cotton	Mansfield	Stennis
Dirksen	McCarthy	Talmadge
Douglas	McClellan	Thurmond
Eastland	McGovern	Tower
Ellender	McIntyre	Tydings
Ervin	Metcalf	Williams, N.J.
Fong	Mondale	Williams, Del.
Gore	Monroney	Yarborough
Gruening	Montoya	Young, N. Dak.
Harris	Morse	Young, Ohio
Hart	Moss	

Mr. BREWSTER. I announce that the Senator from Tennessee [Mr. BASS], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Wyoming [Mr. MCGEE], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Michigan [Mr. MCNAMARA], the Senator from Wisconsin [Mr. NELSON], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the Senator from South Carolina [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

Mr. DIRKSEN. I announce that the Senator from Colorado [Mr. ALLOTT] is absent by leave of the Senate.

The Senator from Delaware [Mr. BOGGS], the Senator from Nebraska [Mr. CURTIS], the Senator from Colorado [Mr. DOMINICK], the Senator from Arizona [Mr. FANNIN], the Senator from Kentucky [Mr. MORTON], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] and the Senator from Iowa [Mr. MILLER] are absent on official business.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). A quorum is present.

Mr. PROUTY obtained the floor.

Mr. MORSE. Mr. President, will the Senator from Vermont yield to permit me to make an announcement?

Mr. PROUTY. I yield.

Mr. MORSE. The Senator from Vermont will speak for 2 or 3 minutes in explanation of the amendment. I shall speak for a couple of minutes in opposition to the amendment. The vote on the amendment will then take place, unless other Senators wish to speak. Immediately after the vote on the amendment, so far as the Senator from Vermont and the Senator from Oregon are concerned, we shall be ready to vote on the bill.

Mr. PROUTY. Mr. President, for the benefit of Senators who were unable to be in the Chamber earlier, the amendment was proposed by the junior Senator from Colorado [Mr. DOMINICK], who is unable to be present today. I have offered the amendment in his behalf.

The amendment would eliminate those sections of the bill empowering the Commissioners of the District of Columbia to arbitrarily raise the minimum wage above the statutory limitations proposed by H.R. 8126. The amendment would not affect that portion of the bill which ties the District of Columbia minimum wage to the level of the Fair Labor Standards Act. Nor would it affect any existing wage orders or wage orders required to be made by this bill.

The bill provides unlimited authority for the Commissioners of the District of Columbia to establish minimum wages. The Senator from Colorado—and I share his sentiments—feels that there should be a limitation. He proposes to retain only the statutory limits otherwise provided in the bill.

Business interests in the District of Columbia face severe competition in Maryland and Virginia, where wages are generally lower and there are no minimum wage laws.

Within the last 5 years, 2,000 business enterprises have left the District. This means that there are fewer jobs in the District, fewer business enterprises to pay taxes.

It is the responsibility of Congress, until home rule becomes a reality, to keep this city a viable, economic unit.

I hope that the amendment of the Senator from Colorado to the committee amendment in the nature of a substitute will be agreed to.

Mr. MORSE. Mr. President, I oppose the amendment. I wish to make a very

quick passing remark concerning the statistics which my friend the Senator from Vermont just gave us in respect to businesses leaving the District.

Not a single case was cited in our hearings of any business leaving the District because of wages paid in the District of Columbia.

What the amendment purports to do is to do away with the wage board procedure that exists in at least 15 States, and a wage board procedure that exists with the approval of Congress since 1918 in respect to the minimum wage law of the District regulating the wages of women and minors.

There happens to be 87,000 employees in the District of Columbia, and Wage Board orders have been issued since 1918 covering these employees. However, these minimum wage increases have been slight, but the procedure exists also in at least 15 States. I name them: Arizona, California, Colorado—the State of the Senator who offers the amendment, and the Colorado Minimum Wage Board has issued a number of wage orders—the District of Columbia, Kentucky, Minnesota, New Jersey, North Dakota, Ohio, Oregon, Utah, Wisconsin, Illinois, Kansas, and Louisiana.

Alaska, Massachusetts, and California also have, by statute, authority to go above the Federal rate. Let me point out how the procedure operates in the District of Columbia.

The District Commissioners, who are our agents—we have not given home rule to the District, but we have provided for this form of government—can appoint ad hoc, tripartite committees composed of industry, labor, and the public. The committee can investigate a particular industry and find that because of the high cost of living in the District of Columbia—and it is a high cost area—the minimum wage for that particular industry should be a certain number of cents above the national limit. The highest figure in the District to date has been $1.35, except for part-time workers in the service trades. They are part-time workers and their rate is to be figured at $1.40 an hour.

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

Mr. MORSE. I yield.

Mr. ERVIN. Mr. President, is there any limit whatever as to the amount to which the District Commissioners, acting on the recommendations of the Wage Board, can raise the minimum wage?

Mr. MORSE. The only limitation is the limitation of experience. There is no figure limitation. However, I shall come to the judicial review procedure in a moment. The judicial review procedure is an effective limitation. Those who argue that they might go "hog wild" and lay down some unreasonable proposal overlook the judicial review section of the bill which I shall cite.

There is no experience in any of the States in which wage boards have operated of any abuse of any discretionary authority on the part of a wage board.

Mr. ERVIN. But, apart from that, the sky would be the limit.

Mr. MORSE. Of course, the sky would be the limit until the Congress of the United States, which has the checking power, repealed the act, if Congress wanted to do it.

Mr. ERVIN. I have one other question.

Mr. MORSE. Let me take the judicial review section, because this is my answer. Section 8 reads:

> Any person aggrieved by an order of the Commissioners issued under this Act may obtain a review of such order in the District of Columbia Court of Appeals by filing in such court, within sixty days after the issuance of such order, a written petition praying that the order of the Commissioners be modified or set aside in whole or in part.

The interesting thing is that there apparently have been no appeals. The orders have been found to be reasonable. However, there is an established procedure. The most effective appeal, however, is that Congress has complete authority to govern the District of Columbia.

Mr. ERVIN. Does the language of the bill provide a limit that the court can set in fixing the increase in the minimum wage in the event it finds it to be unreasonable?

Mr. MORSE. No. The review by the court shall be limited to questions of law, and findings of fact by the Commissioners when supported by substantial evidence.

Mr. ERVIN. If the Minimum Wage Board made a recommendation and the District Commissioners accepted it, they could raise the minimum wage to $5, $10, $50, $100, or $1,000 an hour.

Mr. MORSE. There has been no upward limit in the District of Columbia law since 1918. There has not been the slightest abuse of practice on the part of the District Minimum Wage Board.

I think we can take judicial notice that it will lean over backward to see to it that it does not follow a course of action which might cause it to be charged with using arbitrary discretion or abuse of power on its part.

Mr. ERVIN. If the Board has the power already, what is the necessity of passing that provision of the bill

Mr. MORSE. This broadens the coverage, not only with respect to women and minors, but also with respect to men. The bill increases the coverage so that approximately 300,000 workers would be covered in the District of Columbia.

The Senator from Vermont earlier read from a statement by the Senator from Colorado to the effect that there is a standard minimum wage at the Federal level. However, that takes into account the economic conditions across the country, which includes rural as well as industrial areas. However, in some areas there is a high industrial population and a high cost of living.

Alaska and Massachusetts are good examples of that. The record is without any evidence to show that at any time the power has been abused. It happens to be an authority that ought to exist in wage boards to protect against the injustices that can sometimes creep in as a result of a wage that is fixed too low to meet cost-of-living problems.

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

Mr. MORSE. I yield.

Mr. ELLENDER. May I ask to what extent the bill covers Federal employees?

Mr. MORSE. It does not cover Federal employees.

Mr. ELLENDER. It covers only residents of the District of Columbia?

Mr. MORSE. Yes. I pointed that out in my earlier statement. It does not cover District of Columbia employees or Federal employees.

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

Mr. MORSE. I yield.

Mr. PASTORE. I personally have no qualms about voting against the amendment. I cannot understand that the District of Columbia Commissioners would be so arbitrary, especially when they are not subject to being elected, as to institute floors on minimum wages which would drive business out of the community. I cannot imagine how that could happen.

Mr. MORSE. Mr. President, I urge the Senate to reject the pending amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. PROUTY] on behalf of the Senator from Colorado [Mr. DOMINICK], to the committee amendment in the nature of a substitute.

Mr. PROUTY. Mr. President, I ask the yeas and nays on the amendment.

The yeas and nays were ordered.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the Senator from Colorado [Mr. DOMINICK]. 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.

The rollcall was concluded.

Mr. BREWSTER. I announce that the Senator from Tennessee [Mr. BASS], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana, [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Wyoming [Mr. MCGEE], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Missouri [Mr. SYMINGTON], are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Michigan [Mr. MCNAMARA], the Senator from Wisconsin [Mr. NELSON], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the Senator from South Carolina [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Con-

necticut [Mr. DODD], the Senator from Washington [Mr. MAGNUSON], the Senator from Michigan [Mr. MCNAMARA], and the Senator from Connecticut [Mr. RIBICOFF] would each vote "nay."

On this vote, the Senator from Hawaii [Mr. INOUYE] is paired with the Senator from Arizona [Mr. FANNIN]. If present and voting, the Senator from Hawaii would vote "nay" and the Senator from Arizona would vote "yea."

On this vote, the Senator from New York [Mr. KENNEDY] is paired with the Senator from Nebraska [Mr. CURTIS]. If present and voting, the Senator from New York would vote "nay" and the Senator from Nebraska would vote "yea."

On this vote, the Senator from Louisiana [Mr. LONG] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Louisiana would vote "nay" and the Senator from Pennsylvania would vote "yea."

On this vote, the Senator from Wyoming [Mr. MCGEE] is paired with the Senator from Iowa [Mr. MILLER]. If present and voting, the Senator from Wyoming would vote "nay" and the Senator from Iowa would vote "yea."

On this vote, the Senator from West Virginia [Mr. RANDOLPH] is paired with the Senator from Colorado [Mr. ALLOTT]. If present and voting, the Senator from West Virginia would vote "nay" and the Senator from Colorado would vote "yea."

Mr. DIRKSEN. I announce that the Senator from Colorado [Mr. ALLOTT] is absent by leave of the Senate.

The Senator from Delaware [Mr. BOGGS], the Senator from Nebraska [Mr. CURTIS], the Senator from Kentucky [Mr. MORTON], the Senator from Arizona [Mr. FANNIN], the Senator from Colorado [Mr. DOMINICK], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] and the Senator from Iowa [Mr. MILLER] are absent on official business.

The pair of the Senator from Colorado [Mr. DOMINICK] has been previously announced.

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from West Virginia [Mr. RANDOLPH]. If present and voting, the Senator from Colorado would vote "yea" and the Senator from West Virginia would vote "nay."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from New York [Mr. KENNEDY]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from New York would vote "nay."

On this vote, the Senator from Iowa [Mr. MILLER] is paired with the Senator from Wyoming [Mr. MCGEE]. If present and voting, the Senator from Iowa would vote "yea" and the Senator from Wyoming would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Louisiana [Mr. LONG]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Louisiana would vote "nay."

On this vote, the Senator from Arizona [Mr. FANNIN] is paired with the Senator from Hawaii [Mr. INOUYE]. If present and voting, the Senator from Arizona would vote "yea" and the Senator from Hawaii would vote "nay."

The result was announced—yeas 28, nays 42, as follows:

[No. 7 Leg.]

YEAS—28

Bennett	Hickenlooper	Prouty
Byrd, Va.	Hill	Russell, Ga.
Byrd, W. Va.	Holland	Simpson
Carlson	Hruska	Stennis
Cotton	Jordan, N.C.	Thurmond
Dirksen	Jordan, Idaho	Tower
Eastland	McClellan	Williams, Del.
Ellender	Mundt	Young, N. Dak
Ervin	Murphy	
Fong	Pearson	

NAYS—42

Aiken	Hartke	Morse
Anderson	Hayden	Moss
Bartlett	Jackson	Muskie
Bayh	Javits	Pastore
Bible	Kennedy, Mass.	Pell
Brewster	Kuchel	Proxmire
Case	Long, Mo.	Robertson
Church	McCarthy	Saltonstall
Clark	McGovern	Smith
Douglas	McIntyre	Talmadge
Gore	Metcalf	Tydings
Gruening	Mondale	Williams, N.J.
Harris	Monroney	Yarborough
Hart	Montoya	Young, Ohio

NOT VOTING—30

Allott	Fulbright	Morton
Bass	Inouye	Nelson
Boggs	Kennedy, N.Y.	Neuberger
Burdick	Lausche	Randolph
Cannon	Long, La.	Ribicoff
Cooper	Magnuson	Russell, S.C.
Curtis	Mansfield	Scott
Dodd	McGee	Smathers
Dominick	McNamara	Sparkman
Fannin	Miller	Symington

So the amendment offered by Mr. PROUTY to the committee amendment, on behalf of Mr. DOMINICK, was rejected.

The PRESIDING OFFICER. The committee amendment in the nature of a substitute is open to further amendment.

Mr. MORSE. Mr. President, I ask unanimous consent that in the engrossment of the committee amendment in the nature of a substitute to the bill (H.R. 8126), the Secretary of the Senate be authorized to make all necessary technical and clerical changes and corrections, including corrections of designations of sections, subsections, and cross-references.

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

Mr. MORSE. Mr. President, I ask for the third reading.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee 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. MORSE. Mr. President, I ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, on behalf of the Senator from New York [Mr. KENNEDY], I would like to read a statement, prepared by him, relating to the bill.

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

The statement of Mr. KENNEDY of New York is as follows:

I rise in support of S. 19, which provides long-needed amendments to the District of Columbia's minimum wage law.

Present law gives minimum wage coverage to only 85,000 workers in the District. This bill would extend protection to some 300,000 more, as well as raise the level of the minimum to $1.25.

I think that it is a disgrace that we in Congress did not enact this legislation long ago. We are finally enacting a $1.25 minimum when that minimum has become obsolete—at that rate of pay a man would make only $2,600 a year, $400 below the poverty level.

It is obvious that at rates of pay below this minimum, a man could support a family only in the lowest miserable squalor.

There has been much comment, of late, about the disintegration of the Negro family—about a rise in families headed by women. But if wages are far below the poverty level, a man may have no alternative but to leave his family, for at present aid to dependent children rates, a man earning $1 an hour can double his family's monthly income by living apart from his wife and children.

This is not an argument for lowering ADC payments, for those payments are already at a bare subsistence level. It is an argument for increasing the minimum wage—to $1.25 in the District now, and to a minimum of $1.50 in the entire Nation this session.

It is time that we do this much, and I hope the Senate will enact this bill today.

Mr. MORSE. Mr. President, as Senator in charge of the bill, I urge the Senate to pass the bill for the reasons I have heretofore set forth.

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. BREWSTER. I announce that the Senator from Tennessee [Mr. BASS], the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Wyoming [Mr. MCGEE], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Michigan [Mr. MCNAMARA], the Senator from Wisconsin [Mr. NELSON], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the Senator from South Carolina [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Connecticut [Mr. DODD], the Senator from Hawaii [Mr. INOUYE], the Senator from New York [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Wyoming [Mr. MCGEE], the Senator from Michigan [Mr. MCNAMARA], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Connecticut [Mr. RIBICOFF] would each vote yea.

Mr. DIRKSEN. I announce that the Senator from Colorado [Mr. ALLOTT] is absent by leave of the Senate.

The Senator from Delaware [Mr. BOGGS], the Senator from Nebraska [Mr. CURTIS], the Senator from Kentucky [Mr. MORTON], the Senator from Arizona [Mr. FANNIN], the Senator from Colorado [Mr. DOMINICK], and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] and the Senator from Iowa [Mr. MILLER], are absent on official business.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Delaware [Mr. BOGGS], the Senator from Arizona [Mr. FANNIN], the Senator from Colorado [Mr. DOMINICK], the Senator from Iowa [Mr. MILLER], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "yea."

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

The result was announced—yeas 60, nays 10, as follows:

[No. 8 Leg.]

YEAS—60

Aiken	Hartke	Moss
Anderson	Hayden	Mundt
Bartlett	Hickenlooper	Murphy
Bayh	Holland	Muskie
Bible	Jackson	Pastore
Brewster	Javits	Pearson
Byrd, W. Va.	Jordan, N.C.	Pell
Carlson	Jordan, Idaho	Prouty
Case	Kennedy, Mass.	Proxmire
Church	Kuchel	Saltonstall
Clark	Long, Mo.	Smith
Cotton	Mansfield	Symington
Dirksen	McCarthy	Talmadge
Douglas	McGovern	Thurmond
Ervin	McIntyre	Tydings
Fong	Metcalf	Williams, N.J.
Gore	Mondale	Williams, Del.
Gruening	Monroney	Yarborough
Harris	Montoya	Young, N. Dak.
Hart	Morse	Young, Ohio

NAYS—10

Bennett	Hruska	Stennis
Eastland	McClellan	Tower
Ellender	Robertson	
Hill	Simpson	

NOT VOTING—30

Allott	Fannin	Morton
Bass	Fulbright	Nelson
Boggs	Inouye	Neuberger
Burdick	Kennedy, N.Y.	Randolph
Byrd, Va.	Lausche	Ribicoff
Cannon	Long, La.	Russell, S.C.
Cooper	Magnuson	Russell, Ga.
Curtis	McGee	Scott
Dodd	McNamara	Smathers
Dominick	Miller	Sparkman

So the bill (H.R. 8126) was passed.

Mr. MORSE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PROUTY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BIBLE, Mr. MORSE, Mr. MCINTYRE, Mr. KENNEDY of New York, Mr. TYDINGS, Mr. PROUTY, and Mr. DOMINICK conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I wish to commend the distinguished senior Senator from Oregon [Mr. MORSE] for the exemplary manner in which he directed the District of Columbia minimum wage bill through the Senate today. His keen understanding of the measure's provisions, his brilliant explanations of its provisions and his usual clear and concise manner once again demonstrated the validity of his reputation as an astute parliamentarian and brilliant floor manager of legislation.

The people of the District of Columbia are fortunate to have an advocate of his ability and devotion. In like manner, great praise and credit should go to all members of the District of Columbia Committee, especially to the junior Senator from Vermont [Mr. PROUTY], who so ably assisted in the expeditious handling of the bill on the floor today. Both he and the junior Senator from Colorado [Mr. DOMINICK] are owed a debt of thanks of the Senate as a whole for their cooperation and assistance in expediting the passage of this measure.

I hope that this cooperative experience will serve as a template for future action on other measures to be considered during this session.

PROJECT HOPE

Mr. DIRKSEN. Mr. President, nearly four centuries ago, that great poetic heart, William Shakespeare, wrote, "The miserable have no other medicine, but only hope."

Never have the Bard's words been more true than today. This very day, a group of dedicated Americans are literally bringing hope to millions in Central America.

I say literally, because these Americans are a part of Project Hope. Over 100 doctors, nurses, and technologists from all over the United States begin a 10-month mission today, January 19, in Nicaragua.

They came aboard the hospital ship SS *Hope*. And they will teach their medical counterparts on a people-to-people basis how they can better take care of their ill and maimed.

For many of these magnificent men and women in white the journey will be a repetition of previous voyages, because the great white ship has brought hope to five other countries on three continents.

The docking of the SS *Hope* in the port city of Corinto today marks the initial visit of the floating medical center to the Central American Republics.

In previous voyages the good ship *Hope* has been to Peru and Ecuador in South America, as well as to Indonesia and South Vietnam in Asia, and to Guinea in Africa.

Now the talents of outstanding men and women in U.S. medicine will be put to work in Nicaragua, on a private, personal foundation.

It is this nongovernmental foundation from which Hope has built its unprecedented accomplishments and international good will. While treating and training thousands, it has touched millions.

Thus, Hope is legend on three continents.

The people of Kupang on the remote island of Timor in Indonesia, for instance, judge time by two dates. They say, "Before the Japanese invasion," and "Since the *Hope* came."

Guinea's President, Sekou Toure, sums up the effect of Hope in Africa with these words:

> The stay of the *Hope* has left a profound impression of friendliness and cooperation between the American and Guinean peoples.

But perhaps Hope's success is best described by our own Rev. Frederick Brown Harris, Chaplain of the Senate. He was moved to comment on the extraordinary impact the doctors and nurses of Project Hope had on the people of Trujillo, which before their arrival had been the nucleus of pro-Castro and anti-American feeling in Peru.

Chaplain Harris said of the change that came over these impoverished people, who traveled 45,000 strong for miles to bid farewell to their beloved "Hopies":

> Here is an inspiring example of the spirit of the rejected conqueror riding into a modern city in spite of the revilings of the crowd and fulfilling the test of the final judgment as forecast by the Christ of Palm Sunday and Easter—"I was sick and ye came unto me; I was hungry and ye gave me to eat."

Now *Hope* begins anew the fifth chapter in its historic log. After two yearlong journeys to South America and separate trips to Asia and Africa, the vessel is in Central America. And it is welcome there.

As Nicaragua's eminent Ambassador to the United States, Dr. Guillermo Sevilla-Sacasa, dean of the diplomatic corps in Washington, D.C., said when the ship departed American shores for those of his country:

> I shall always be grateful to Dr. William B. Walsh for bringing about what we are celebrating here today. The ship *Hope* sails out to my country as one enormous heart. My praise is for America, which gives such an example as the *Hope* to my country.

All Americans should be grateful to Dr. Walsh, who created Hope, and to the superb medical staff of the SS *Hope*, who devote parts of their lives to helping the less fortunate in developing nations.

And like my colleagues on the Foreign Relations Committee, I "look with favor upon the provision of another hospital ship" for Hope, so that this fine organi-

zation can double its good work in the world.

Indeed, I look to the day when peace in southeast Asia may relinquish one of our demothballed hospital ships so that it can be loaned to Project Hope for its humanitarian endeavors.

In the countries SS *Hope* has visited, the miserable frequently have had no other medicine but hope—and in some cases not even that. But now, thanks to Project Hope, they have that and more. They have a medical corps trained in the latest medical skills, who in time will spread that knowledge throughout their countries, and that knowledge will enable them to give themselves healthier, more meaningful lives.

According to Alexander Pope; "Hope springs eternal in the human breast." As Hope today begins in Nicaragua, may Hope thrive, eternal in the world.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, while the opportunity presents itself, I should like to ask the distinguished majority leader, after we complete action on three other bills on the calendar, which I understand will be called up and which came from the Finance Committee, what the order of business will be for the remainder of the day and what the distinguished majority leader has in mind for the rest of the week, if he can tell us.

Mr. MANSFIELD. Mr. President, I am delighted to answer the question raised by the distinguished minority leader. When the three bills from the Finance Committee are disposed of, that will end the business for the day, although there is a very important speech to be made by the distinguished Senator from South Dakota [Mr. McGOVERN], and perhaps other Senators will speak. But it is the intention, with the approval of the minority leader, to go over until Monday, and then on Monday, at the termination of the morning business, to take up the bill to repeal section 14(b) of the Taft-Hartley Act.

EXEMPTION FROM TAXATION OF CERTAIN NONPROFIT CORPORATIONS AND ASSOCIATIONS OPERATED TO PROVIDE RESERVE FUNDS FOR DOMESTIC BUILDING AND LOAN ASSOCIATIONS

Mr. GORE. Mr. President, at the request of the leadership, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 919, H.R. 327.

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

The LEGISLATIVE CLERK. A bill (H.R. 327) to amend section 501(c) of the Internal Revenue Code of 1954 to exempt from taxation certain nonprofit corporations and associations operated to provide reserve funds for domestic building and loan associations, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider the bill.

Mr. GORE. Mr. President, the bill now before us, H.R. 327, has two important provisions. The first amends present law with respect to the tax exemption provided for certain nonprofit associations which provide reserve funds for domestic savings and loan associations. The amendment broadens the exemption now contained in the law to include organizations which are similar in all essential respects to those now exempt but which do not meet one of the technical requirements of the present statute. The bill also amends present law to confine the exemption for all such organizations, both those now exempt and those that would be exempt under this bill, to income which is substantially related to the purpose or function that is the basis for their tax exemption.

HISTORY OF PRESENT LAW

Under present law, corporations or associations which provide services for domestic building and loan associations, cooperative banks, and mutual savings banks are exempt from tax if they meet certain requirements. They must be organized and operated for mutual purposes, have no capital stock, and have been organized before September 1, 1957. Such organizations exist in several States to provide services to a group of building and loan associations or similar institutions. The services they provide include extending loans to associations which are short of liquid assets and providing insurance of shares or deposits in such banks. Present law requires that, to be exempt, organizations of the type described must both provide funds for and insure shares or deposits in member institutions.

Prior to September 1, 1951, organizations of this type were exempt from tax under the provisions of the general exemption which then applied to mutual savings banks and building and loan associations. While the Revenue Act of 1951 removed the exemption for mutual savings banks and building and loan associations, it continued the exemption for nonprofit organizations of the type considered under this bill if they were organized before September 1, 1951. In 1959, the law was amended to change the required date of organization from September 1, 1951, to September 1, 1957. This amendment was designed to include a particular organization which would not otherwise have been eligible for the exemption.

THE NEW YORK STATE SAVINGS AND LOAN BANK

Another such organization, the New York State Savings and Loan Bank was initially exempt from tax by virtue of a ruling issued by the Internal Revenue Service in 1952. In December 1961, however, the Internal Revenue Service notified the bank that it intended to revoke the 1952 ruling. This action of the Service was based on the fact that the bank, while it does provide reserves for its members, does not also insure their shares and deposits. The bank meets all the other tests for exemption provided in the law.

Revocation of the exemption was delayed while the organization tried to obtain an amendment to the banking laws of New York State which would enable it to provide such insurance services. New York State law authorized the bank to administer an insurance fund only if 100 or more savings and loan associations—two-thirds of those now in existence—in the State were included. While State law was amended to eliminate this requirement, so many State savings and loan associations already have insurance that it is not feasible for the bank to establsh an insurance program. Furthermore, New York State law limits the role of the bank to that of trustee for an insurance fund and it is not clear that such a role would satisfy the technical requirements of present Federal law. The 1952 ruling was therefore finally revoked for 1962 and subsequent years.

ACTION OF THE COMMITTEE

It is the opinion of your committee that an organization which meets all the other requirements for tax exemption laid down by the law should not be precluded from tax-exempt status merely because it does not provide insurance of the shares and deposits of its members. As the situation of the New York State Savings and Loan Bank illustrates, failure to provide such services may be due to factors beyond the control of the organization. Your committee's bill, therefore, amends present law to add a new subparagraph to the existing provision, section 501(c)(14) of the Code. This new subparagraph exempts from tax nonprofit corporations and associations organized before September 1, 1957, which are operated for mutual purposes to provide reserve funds for domestic building and loan associations, cooperative banks, or mutual savings banks. The exemption is only available, however, if 85 percent or more of the organization's income is attributable to providing reserve funds for member associations or to investments. The latter requirement will not apply to those organizations which qualify for tax exemption under present law.

Your committee knows of only one organization which will be exempt under the new subparagraph—the New York State Savings and Loan Bank. It feels, however, that any other organizations which meet the requirements of the subparagraph should also be exempt from tax.

TAX ON UNRELATED BUSINESS INCOME

Your committee believes that as far as the organizations described are concerned, including both those previously tax exempt and those which will be exempt under the terms of this bill, only the income connected with either the provision of reserve funds or the insurance of shares and deposits should be tax exempt. Therefore, the bill contains a provision which defines as unrelated business income subject to tax any income derived by any such organization from activities which are not substantially related to the purpose which forms the basis for their tax exemption.

Thus, for example, if such an organization provides data processing services for its members, the income from this activity will be subject to tax.

EFFECTIVE DATE

The exemption provided in your committee's bill will apply to taxable years ending on or after the date of enactment. The unrelated business income provisions will apply to taxable years beginning after the date of enactment. The provisions of the bill are expected to have a negligible effect on revenue.

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

The bill (H.R. 327) was ordered to a third reading, was read the third time, and passed.

AMENDMENT OF INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT

Mr. GORE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 8210.

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

The LEGISLATIVE CLERK. A bill (H.R. 8210) to amend the International Organizations Immunities Act with respect to the European Space Research Organization.

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

There being no objection, the Senate proceeded to consider the bill.

Mr. GORE. Mr. President, I ask unanimous consent that an explanation of the bill be printed in the RECORD at this point.

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

H.R. 8210 authorizes the President to extend tax and tariff exemption (and other immunities) to the European Space Research Organization (and its foreign employees) just as such exemptions and immunities may be extended to a public international organization in which the United States participates.

Under present law, the President is authorized to extend tax and tariff exemption to a public international organization of which the United States is a member, and which is organized pursuant to a treaty or an act of Congress. Employees of such organizations who are foreign citizens or nationals similarly may be extended tax and tariff exemption and other immunities. These exemptions and immunities are provided for under the International Organizations Immunities Act. However, the benefits of this act are not available if the United States is not a member of the international organization.

The European Space Research Organization is a cooperative organization sponsored by 11 European nations: Belgium, Denmark, the Federal Republic of Germany, France, Italy, the Netherlands, Norway, Spain, Sweden, Switzerland, and the United Kingdom. It was established to provide for, and to promote, collaboration among European stations in space research and technology, exclusively for peaceful purposes. The United States is not a member of this organization, and, thus, under existing law, the President may not designate the European Space Research Organization as a public international organization.

The ESRO is seeking to build a tracking station in Fairbanks, Alaska, for use in its space research program. If the ESRO is recognized as an international organization for purposes of the International Organizations Immunities Act, it would be treated as though it were a foreign government entitled to bring into the United States such materials and equipment as are necessary for the construction of a tracking station without the payment of duties. Among other things, the baggage and effects of its personnel and their families would be exempt from duties and taxes imposed by reason of importation if the articles are imported in connection with their arrival in the United States.

The taxes for which exemption may be provided under the International Organizations Immunities Act include income taxes, social security, unemployment, and withholding taxes, and excise taxes.

It is understood that other nations generally afford analogous treatment to the United States in conjunction with tracking stations constructed abroad by the National Aeronautics and Space Administration in connection with our Mercury, Gemini, and Apollo programs. H.R. 8210 represents a concession to the foreign countries for the treatment that our Government seeks and obtains from them when it wants to build a tracking station abroad.

Organizations which presently are designated as "international organizations" for purposes of exemptions and immunities include the Caribbean Organization, Coffee Study Group, Food and Agriculture Organization, Great Lakes Fishery Commission, Inter-American Defense Board, Inter-American Development Bank, Inter-American Institute of Agricultural Sciences, Inter-American Statistical Institute, Inter-American Tropical Tuna Commission, Intergovernmental Maritime Consultive Organization, International Atomic Energy Agency, International Bank for Reconstruction and Development, International Civil Aviation Organization, International Cotton Advisory Committee, International Finance Corporation, International Hydrographic Bureau, International Joint Commission—United States and Canada, International Labor Organization, International Monetary Fund, International Pacific Halibut Commission, International Telecommunication Union, International Wheat Advisory Committee (International Wheat Council), Organization of American States (including Pan American Union), Pan American Health Organization, South Pacific Commission, Southeast Asia Treaty Organization, United Nations, United Nations Educational, Scientific, and Cultural Organization, Universal Postal Union, World Health Organization, and World Meteorological Organization.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the bill.

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

COMPUTATION OF RETIRED PAY OF JUDGES OF THE TAX COURT OF THE UNITED STATES

Mr. GORE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 921, H.R. 8445.

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

The LEGISLATIVE CLERK. A bill (H.R. 8445) to amend the Internal Revenue Code of 1939 and the Internal Revenue Code of 1954 to change the method of computing the retired pay of judges of the Tax Court of the United States.

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

There being no objection, the Senate proceeded to consider the bill.

Mr. GORE. Mr. President, I ask unanimous consent that an explanation of the bill be printed in the RECORD at this point.

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

Under present law the retired pay of a judge of the Tax Court is based on the salary payable to him as a judge "at the time he ceases to be a judge."

Under H.R. 8445, the retired pay of Tax Court judges is to be computed on the basis of the salary of the office, that is, in a manner similar to that presently provided for judges of other Federal tribunals.

Under present law a judge of the Tax Court may retire after 24 years of service and thereafter receive as retired pay the equivalent of "the salary payable to him as judge at the time he ceases to be a judge." He may retire voluntarily after 18 years of service, but if he retires before completing 24 years of service his retired pay will be that proportion of "the salary payable to him as judge at the time he ceases to be a judge" as is the proportion of years served to 24, e.g., if he has served for 18 years he will receive 18/24 of such salary. A judge of the Tax Court must retire at age 70 with 10 years of service (or at such time as the 10-year service requirement is fulfilled after attaining age of 70). No judge upon retirement can receive retired pay which is less than one-half of the rate (12/24's) of such judge's salary.

Unless precluded by illness or disability, all retired Tax Court judges are subject to recall to active duty by the Chief Judge for a minimum period of 90 days each year and may be recalled for longer periods with their consent. Any retired judge of the Tax Court who should fail to perform the judicial duties required of him on recall would forfeit entirely his retired pay for the year in which such failure occurs. In order to insure the availability of retired judges for recall, the retired judges of the Tax Court are prohibited from accepting any other Federal office or employment or from engaging in the practice of law or accounting in the field of Federal taxation. If they should do so they would forever lose their rights to retirement pay. No such limitation is provided with respect to judges of the Federal District Courts.

Judges of the U.S. District Courts, the Court of Claims, Court of Customs and Patent Appeals and the Customs Court, may retire from regular active service after 15 years of service upon attaining the age of 65 and after 10 years of service upon attaining the age of 70. Their retired pay is the full amount of "the salary of the office." They may be recalled for such judicial service as they are "willing to undertake." There is no loss of retired pay should a judge refuse further service.

A recent review of the average years of service of retired judges of the Tax Court

prior to their retirement indicated such service to be over 25 years, while the average of the years of service prior to their retirement of 24 U.S. District Court judges who retired over a recent 3-year period showed an average of 19 years. At the present time, of the seven living retired judges of the Tax Court, six judges are serving on recall on a full-time basis and one judge is precluded by disability from further service.

The calculation of retired pay for judges by reference to "the salary payable to him as judge at the time he ceases to be a judge" is a characteristic of retired pay to Federal judges who are appointed to office for short terms, who are not subject to recall after retirement or resignation, and who are not precluded from engaging in any activity they choose after retirement or resignation. Examples are judges of the District Courts of Puerto Rico, the Canal Zone, Guam, and the Virgin Islands, whose terms of office are for only 8 years, who are not subject to recall for any judicial duties after their retirement, and who are not precluded from engaging in any activity they choose, such as the practice of law after their retirement or resignation. The difference between these judges and the judges of the Tax Court is evident.

The Committee felt that the longer terms of service required from judges of the Tax Court before they are eligible for retirement rights and the more stringent obligations imposed on them by law to perform judicial service on recall during the rest of their lives call for a calculation of their retirement payments in a manner similar to that of retired judges of the U.S. District Courts, the Court of Claims and the Customs Court, i.e., by referring to "the salary of the office" rather than to "the salary payable to at the time he ceases to be a judge."

The provisions of the bill would be effective with respect to retired pay accruing on or after the first day of the first calendar month which begins after the date of enactment.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading of the bill.

Mr. WILLIAMS of Delaware. Mr. President, I regret that I cannot support the pending bill. I realize that it applies to only a small number of individuals; nevertheless, if we pass the bill we shall be establishing a precedent which may some day come back to give us a great deal of trouble.

Under present law a judge may retire after 24 years of service and receive his full retired pay equal to the salary at the time he retires. If he is retired, for example, after 18 years of service he receives eighteen twenty-fourths of that salary; and so forth.

Mr. President, the pending bill is geared not to the salary the judge receives on the day he retires but to the salary of his office at any future date. For example, if a judge retired 10 years ago or 5 years ago and he received a salary of $22,500, he is now living on a pension based on that $22,500 salary. Since that time the salary of this office has been raised to $30,000. On the other hand there are some who retired years ago when a judge's salary was $10,000. Today they are all eligible for a $10,000 pension.

Under this bill their pensions would be increased 300 percent, or to the equivalent of the present salary.

Under this bill prior retirees would automatically have their pensions raised to the equivalent of this year's salary, which is $30,000 a year.

On the other hand, suppose a judge who after having qualified for 24 years retires this year at the $30,000 salary. If in the years to come the salary for the office is raised to $35,000, he would have his pension raised to $35,000, and it would be raised every time the salary was raised.

The bill would set up an entirely different formula from what it is now in the retirement system. The civil service retirement system is already in a very dangerous financial situation in that it is not actuarially sound—far from it, Mr. President—and Congress will some day have to meet this situation; otherwise we shall find that the fund is bankrupt.

Although the bill would apply to only a few individuals, it would set a precedent and there would be the possibility that we would have to extend the same principle to others. Such a step no doubt would completely bankrupt the retirement fund as well as the taxpayers.

I do not believe the bill should be passed, and I wish the RECORD to show that I am not supporting this proposal.

Mr. CARLSON. Mr. President, I did not oppose the bill in the Committee on Finance yesterday when it was reported, nor do I now oppose it. But I believe the Senator from Delaware made a very frank statement on a problem that this Congress has to meet, and I believe it will have to be met in the near future.

Last fall the President appointed what I would call a blue ribbon committee, composed of industrial leaders, Government leaders, and labor leaders, to study the entire retirement system and the evidence of increased liabilities that have been building up for payment in future years. That committee should report within the next week. I had thought the report would be available this week.

When the report is forthcoming, the Congress will be not only warned, but notified of a problem that we must meet. I did not oppose it. I am concerned about increasing retirement benefits without regard for the entire fund.

I commend the Senator from Delaware [Mr. WILLIAMS] for having made the statement that I think should have been made.

Mr. THURMOND. Mr. President, I associate myself with the remarks that have been made by the able and distinguished Senator from Delaware [Mr. WILLIAMS].

It seems to me that we must be very careful with regard to the retirement system in the future, because I understand that today the civil service retirement system is $40 billion in debt.

Considering the large amounts by which we are going into debt each year, it strikes me that in order to protect the employees of the Government who render long and faithful service and to prevent their retirement from being jeopardized, steps should be taken to place the retirement system on a sound basis.

In the bill it appears that a departure is being made and that new precedents might be established. This might be a dangerous step to take.

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

The bill (H.R. 8445) was ordered to a third reading, was read the third time, and passed.

PROPOSED AMENDMENTS TO AGREEMENTS FOR COOPERATION WITH INDONESIA, SPAIN, AND SWITZERLAND

Mr. GORE. Mr. President, as chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, I wish to inform the Senate that pursuant to section 123 (c) of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission has submitted to the Joint Committee proposed amendments to the agreements for cooperation with the Governments of Indonesia, Spain, and Switzerland concerning peaceful uses of atomic energy. The proposed amendment to the Spanish agreement was received by the Joint Committee on December 1, 1965, and the proposed amendments to the Indonesian and Swiss agreements were received on January 12, 1966.

The proposed amendment to the Indonesian agreement, which expired on September 20, 1965, would extend the life of the agreement for 5 years. This would be a research-type agreement concerning peaceful use of atomic energy, providing for such matters as exchange of information, lease of enriched uranium as fuel for research reactors, and the sale of relatively small quantities of fissionable materials for use in defined research projects. The agreement would provide for safeguards to assure that materials and facilities subject to the agreement are used only for peaceful purposes, and that arrangements be made for assumption of safeguards responsibilities by the International Atomic Energy Agency.

The amendments to the Spanish and Swiss agreements would, among other things, provide for long-term supply of fuel for these nations' nuclear power programs, and also that arrangements be made for assumption of safeguards responsibilities by the International Atomic Energy Agency.

Section 123 c. of the act requires that these proposed amendments lie before the Joint Committee for a period of 30 days while Congress is in session before becoming effective. It is the general practice of the Joint Committee to publish proposed civilian agreements for cooperation in the RECORD and to hold public hearings thereon.

In keeping with this practice, I ask unanimous consent to have printed at this point in the RECORD the text of the proposed amendments to the agreements for cooperation with Indonesia, Spain,

and Switzerland, together with supporting correspondence.

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

U.S. ATOMIC ENERGY COMMISSION,
BOARD OF CONTRACT APPEALS,
Washington, D.C., January 12, 1966.

Hon. CHET HOLIFIELD,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR CHET: Pursuant to section 123c of the Atomic Energy Act of 1954, as amended, there are submitted with this letter:

(a) An executed "Amendment to Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Indonesia Concerning the Civil Uses of Atomic Energy";

(b) A copy of a letter from the Commission to the President recommending approval of the amendment; and

(c) A copy of a letter from the President to the Commission containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and approving the amendment and authorizing its execution.

The proposed amendment, which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, would extend the life of the agreement for a period of 5 years. In addition, the proposed amendment would provide that arrangements be made for the International Atomic Energy Agency to assume responsibility for applying safeguards to materials and facilities subject to safeguards under the agreement.

The amendment will enter into force when the two Governments have exchanged written notifications that their respective statutory and constitutional requirements have been fulfilled.

As you know, this agreement expired on September 20, 1965, and the Department of State received on that date a formal note from the Government of Indonesia recognizing the continuing effect of the safeguards provisions of the agreement for cooperation over any materials, equipment or devices transferred under the agreement pending the coming into force of the amendment extending the agreement.

The agreement with Indonesia is a standard research type agreement providing for such things as exchange of information, the lease of enriched uranium for use as fuel for research reactors, and the sale of research quantities of special nuclear materials for use in defined research projects related to the peaceful uses of atomic energy. The standard safeguard provisions contained in similar research type bilateral agreements are included in the Indonesian bilateral agreement.

United States assistance to Indonesia under the agreement for cooperation has taken the form of the provision of generally available unclassified information in the peaceful uses of atomic energy for medicine, agriculture, biology, the training of a few Indonesian scientists in peaceful uses, the export of a 250-kilowatt Triga research reactor, the necessary fuel therefor, and a grant of $350,000 to cover a portion of the reactor cost.

We do not anticipate any need to increase the limits on the amounts of material which may be transferred to Indonesia during the life of the agreement as extended by this amendment.

Cordially,

GLENN T. SEABORG,
Chairman.

Enclosures:

1. Amendment to Agreement for Cooperation with the Republic of Indonesia.
2. Letter from the Commission to the President.
3. Letter from the President to the Commission.

AMENDMENT TO AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF INDONESIA CONCERNING CIVIL USES OF ATOMIC ENERGY

The Government of the United States of America and the Government of the Republic of Indonesia,

Desiring to amend the Agreement for Cooperation between the Government of the United States of America and the Government of the Republic of Indonesia Concerning Civil Uses of Atomic Energy, signed at Washington on June 8, 1960 (hereinafter referred to as the "Agreement for Cooperation");

Agree as follows:

ARTICLE I

Article X of the Agreement for Cooperation is amended to read as follows:

"1. The Government of the United States of America and the Government of the Republic of Indonesia, recognizing the desirability of making use of the facilities and services of the International Atomic Energy Agency, agree that the Agency will be promptly requested to assume responsibility for applying safeguards to materials and facilities subject to safeguards under this Agreement for Cooperation. It is agreed that the necessary arrangements will be effected without modification of this Agreement, through an agreement to be concluded between the Parties and the Agency which may include provisions for suspension of the safeguard rights accorded the Commission by Article VIII, paragraph 3, of this Agreement during the time and to the extent that the Agency's safeguards apply to such materials and facilities.

"2. In the event the Parties do not reach a mutually satisfactory agreement on the terms of the trilateral arrangement envisaged in paragraph 1 of this Article, either Party may by notification terminate this Agreement. In the event of termination by either Party, the Government of the Republic of Indonesia shall, at the request of the Government of the United States of America, return to the Government of the United States of America all special nuclear material received pursuant to this Agreement and in its possession or in the possession of persons under its jurisdiction. The Government of the United States of America will compensate the Government of the Republic of Indonesia for such returned material at the Commission's schedule of prices then in effect domestically."

ARTICLE II

The first sentence of paragraph 1 of Article XI of the Agreement for Cooperation is amended by deleting the phrase "five years" and substituting in lieu thereof the phrase "ten years".

ARTICLE III

This Amendment shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Amendment and shall remain in force for the period of the Agreement for Cooperation, as hereby amended.

In witness whereof, the undersigned, duly authorized, have signed this Amendment.

Done at Washington, in duplicate, this twelfth day of January, 1966.

For the Government of the United States of America:

WILLIAM P. BUNDY,
Assistant Secretary, Far Eastern Affairs,
Department of State.

GLENN T. SEABORG,
Chairman, U.S. Atomic Energy Commission.

For the Government of the Republic of Indonesia:

LAMBERTUS N. PALAR,
Ambassador,
Embassy of Indonesia.

Certified to be a true copy:

RICHARD V. WILLIT,
Division of International Affairs,
U.S. Atomic Energy Commission.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., September 23, 1965.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the enclosed proposed amendment to Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Indonesia Concerning Civil Uses of Atomic Energy, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The Department of State supports the Commission recommendation.

The proposed amendment, which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, would extend the life of the agreement for a period of 5 years. In addition, the proposed amendment would provide that arrangements be made for the International Atomic Energy Agency to assume responsibility for applying safeguards to materials and facilities subject to safeguards under the agreement. In every other respect, there is no proposed change in the basic agreement.

Following your determination, approval, and authorization, the proposed amendment will be formally executed by appropriate authorities of the Government of the United States of America and the Government of the Republic of Indonesia. In compliance with section 123c of the Atomic Energy Act of 1954, as amended, the proposed amendment will then be placed before the Joint Committee on Atomic Energy.

Respectfully yours,

GERALD F. TAPE,
Acting Chairman.

Enclosure: Proposed amendment to the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Indonesia.

THE WHITE HOUSE,
Washington, January 1, 1966.

Hon. GLENN T. SEABORG,
U.S. Atomic Energy Commission,
Washington.

DEAR DR. SEABORG: In accordance with section 123a of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission has submitted to me by letter of September 23, 1965, a proposed amendment to Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Indonesia Concerning the Civil Uses of Atomic Energy, and has recommended that I approve the proposed amendment, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution.

Pursuant to provisions of section 123b of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

(a) Approve the proposed amendment and determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security of the United States of America.

(b) Authorize the execution of the proposed amendment on behalf of the Government of the United States of America by appropriate authorities of the Department of State and the Atomic Energy Commission.

Sincerely,

LYNDON B. JOHNSON.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., December 1, 1965.

Hon. CHET HOLIFIELD,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR CHET: Pursuant to section 123c of the Atomic Energy Act of 1954, as amended, there are submitted with this letter:

(a) An executed amendment to the agreement for Cooperation Concerning the Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Spain.

(b) A copy of the letter from the Commission to the President recommending approval of the amendment.

(c) A copy of the letter from the President to the Commission containing his determination that performance of the amendment will promote and will not constitute an unreasonable risk to the common defense and security, and approving the amendment and authorizing its execution.

The amendment, which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, would extend and modify the agreement between the United States of America and the Government of Spain which was signed at Washington on August 16, 1957.

As we reported to the Joint Committee on June 4, 1964, the Government of Spain has for some time been desirous of receiving a general assurance from the United States concerning the availability of enriched uranium on a long-term basis for the Spanish nuclear power program. Accordingly, the amendment extends the term of the United States-Spanish agreement from 1968 to 1988. Consistent with the private ownership legislation, production or enrichment services could be provided after December 31, 1968, and would be subject to such terms and conditions as are established by the Commission. In addition, the amendment increases the quantities of enriched uranium that can be transferred to Spain to cover the estimated long-term enriched fuel requirements of three Spanish nuclear power projects as well as the miscellaneous requirements of the Spanish research and development program. The net amount of enriched uranium that could be transferred to Spain under the fuel article has been raised from 500 kilograms to 8,500 kilograms of U^{235}. The three principal projects that will be covered by this increased amount are the 153 MWe Zorita or UEM power station, the 30MWe DON prototype power reactor and the 300–400 MWe NUCLENOR power station.

Under the present agreement the Commission may, at its discretion, make available a portion of special nuclear material to be supplied as material enriched up to 90 percent for use in a materials testing reactor. The amendment broadens this provision in keeping with the approach the Commission generally follows in its new power agreements and permits the Commission, upon request and at its discretion, to transfer material containing more than 20 percent in the isotope U^{235} when there is a technical or economic justification for such transfer.

Article II of the amendment provides for removal of the limitation on the amounts of materials, including special nuclear material, that may be transferred to Spain for defined research applications (other than for fueling reactors and reactor experiments), and permits such materials to be made available on an "as may be agreed" basis when such material is not commercially available. A similar provision is incorporated in several of our other agreements.

Under article IIIA and article IV, enriched uranium and other materials could be transferred (including loaned, subject to required governmental authorization) for defined research applications, including research reactors, materials testing reactors, reactor experiments, and reactor prototypes. The inclusion of the provision of loan is designed to reflect the cooperative arrangement the Commission is currently negotiating with Spain, as a part of which the initial enriched uranium and heavy water requirements for the Spanish heavy water, organic cooled reactor prototype (DON) would be loaned to Spain over a period of 5 years.

Article VI of the amendment provides that the International Atomic Energy Agency will assume the responsibility for applying safeguards to materials and facilities subject to safeguards under the agreement for cooperation at least 6 months prior to the startup of the Spanish Zorita power reactor or by December 31, 1966, whichever date is earlier. This transfer of responsibility would be accomplished without further modification to the agreement by means of a trilateral agreement to be negotiated among the United States, Spain, and the IAEA.

The amendment will enter into force on the day on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of this amendment.

Cordially,

GLENN T. SEABORG,
Chairman.

Enclosures:

1. Amendment to agreement for cooperation with the Government of Spain.
2. Letter from the Commission to the President.
3. Letter from the President to the Commission.

AMENDMENT TO AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF SPAIN CONCERNING CIVIL USES OF ATOMIC ENERGY

The Government of the United States of America and the Government of Spain,

Desiring to amend the Agreement for Cooperation Between the Government of the United States of America and the Government of Spain Concerning Civil Uses of Atomic Energy, signed at Washington on August 16, 1957 (hereinafter referred to as the "Agreement for Cooperation");

Agree as follows:

ARTICLE I

Article II, paragraph B, of the Agreement for Cooperation is hereby amended by deleting the words "ten years" and substituting in lieu thereof the words "thirty years".

ARTICLE II

Article VI, paragraph A, of the Agreement for Cooperation is hereby amended to read as follows:

"Materials of interest in connection with defined research applications, including special nuclear materials (other than special nuclear materials to be used in the fueling of reactors and reactor experiments), source materials, by-product materials, other radioisotopes and stable isotopes may be sold or otherwise transferred in such quantities and under such terms and conditions as may be agreed when such materials are not available commercially."

ARTICLE III

Article VIII of the Agreement for Cooperation is hereby amended to read as follows:

"A. During the period of this Agreement, the United States Commission will transfer to the Government of Spain, under such terms and conditions as the Parties may agree, uranium enriched in the isotope U^{235} for use in the fueling of defined research applications, including research reactors, materials testing reactors, reactor experiments and reactor prototypes as the Commission may agree to upon request of the Government of Spain, it being understood that the material will be delivered in accordance with contracts which set forth the agreed delivery schedules and other terms and conditions of supply.

"B. In addition, the Commission will sell to the Government of Spain all of Spain's requirements for enriched uranium for the power reactor program described in Appendix A, it being understood that the material will be delivered in accordance with contracts which set forth the agreed delivery schedules and other terms and conditions of supply.

"C. The Commission is also prepared, to such extent and under such conditions as may be established by the Commission, to enter into contracts to provide after December 31, 1968, for the production and enrichment in facilities owned by the Commission of special nuclear material for the account of the Government of Spain for the uses specified in paragraphs A and B above.

"D. The net amount of enriched uranium transferred from the United States to the Government of Spain under paragraphs A, B, and C of this Article during the period of this Agreement for Cooperation shall not exceed 8500 kilograms of U^{235}.

This net amount shall be the difference between:

(1) The quantity of U^{235} contained in enriched uranium transferred to the Government of Spain pursuant to said paragraphs A, B, and C, and

(2) The quantity of U^{235} contained in an equal quantity of uranium of normal isotopic assay, less the difference between:

(3) The aggregate of the quantities of U^{235} contained in recoverable uranium of U.S. origin either transferred to the United States of America or to any other nation or group of nations with the approval of the Government of the United States of America pursuant to this Agreement, and

(4) The quantity of U^{235} contained in an equal quantity of uranium of normal isotopic assay, except that if the difference between (3) and (4) is negative, it will not be considered.

"E. It is agreed that, should the total quantity of enriched uranium which the Commission has agreed to provide under this and other Agreements for Cooperation reach the maximum quantity of enriched uranium which the Commission has available for such purposes, and should the Government of Spain not have executed contracts for the net amount of enriched uranium specified in paragraph D of this Article, the Commission may request, upon appropriate notice, that the Government of Spain execute contracts for all or any part of such enriched uranium as is not then under contract. It is understood that, should the Government of Spain not execute contracts in accordance with a request by the Commission hereunder, the Commission shall be relieved of all obligations to the Government of Spain with respect to the enriched uranium for which contracts have been so requested.

"F. The enriched uranium supplied hereunder may contain up to twenty per cent (20%) in the isotope U^{235}. The United States Commission, however, may make available a portion of the enriched uranium supplied hereunder as material containing more than 20% in the isotope U^{235} when there is a technical or economic justification for such a transfer.

"G. It is understood, unless otherwise agreed, that in order to assure the availability of the entire quantity of enriched uranium allocated hereunder for a particular reactor project described in Appendix A, it will be necessary for the construction of the project to be initiated in accordance with the schedule set forth in Appendix A and for the Government of Spain to execute a contract for that quantity in time to allow for the Commission to provide the material for the first fuel loading. It is also understood that if the Government of Spain desired to contract for less than the entire quantity of enriched uranium allocated for a particular project or terminates the supply contract after execution, the remaining quantity allocated for that project shall cease to be available and the maximum quantity of enriched uranium provided for in paragraph D of this Article shall be reduced accordingly, unless otherwise agreed.

"H. Within the limitations contained in paragraph D of this Article, the quantity of uranium enriched in the isotope U-235 transferred by the Commission under this Article and in the custody of the Government of Spain for the fueling of reactors or reactor experiments shall not at any time be in excess of the quantity thereof necessary for the loading of such reactors or reactor experiments, plus such additional quantity as, in the opinion of the Parties, is necessary for the efficient and continuous operation of such reactors or reactor experiments.

"I. It is agreed that when any special nuclear material received from the United States of America requires reprocessing, such reprocessing shall be performed at the discretion of the Commission in either Commission facilities or facilities acceptable to the Commission, on terms and conditions to be later agreed; and it is understood, except as may be otherwise agreed, that the form and content of any irradiated fuel elements shall not be altered after their removal from the reactor prior to delivery to the Commission or the facilities acceptable to the Commission for reprocessing.

"J. With respect to any special nuclear material not owned by the Government of the United States of America produced in reactors fueled with materials obtained from the United States of America which is in excess of the need of the Government of Spain for such materials in its program for the peaceful uses of atomic energy, the Government of the United States of America shall have and is hereby granted (a) a first option to purchase such material at prices then prevailing in the United States of America for special nuclear material produced in reactors which are fueled pursuant to the terms of an agreement for cooperation with the Government of the United States of America, and (b) the right to approve the transfer of such material to any other nation or a group of nations in the event the option to purchase is not exercised.

"K. Special nuclear material produced, as a result of irradiation processes, in any part of fuel leased hereunder shall be for the account of the Government of Spain and after reprocessing as provided in paragraph I of this Article shall be returned to the Government of Spain at which time title to such material shall be transferred to that Government, unless the Government of the United States of America shall exercise the option, which is hereby granted, to retain, with appropriate credit to the Government of Spain, any such special nuclear material which is in excess of the needs of Spain for such material in its program for the peaceful uses of atomic energy.

"L. Some atomic energy materials which the Government of Spain may request the Commission to provide in accordance with this Agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials to the Government of Spain, the Government of Spain shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any special nuclear materials or fuel elements which the Commission may, pursuant to this Agreement, lease to the Government of Spain or to any private individual or private organization under its jurisdiction, the Government of Spain shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such special nuclear materials or fuel elements after delivery by the Commission to the Government of Spain or to any authorized private individual or private organization under its jurisdiction."

ARTICLE IV

Article IX of the Agreement for Cooperation is hereby amended by deleting the words "lease, or sale and purchase," and substituting in lieu thereof the words "sale, lease, or, subject to required governmental authorizations, loan,".

ARTICLE V

Article X, paragraph B.3., of the Agreement for Cooperation is hereby amended by deleting the phrase "paragraph F(b)" and substituting in lieu thereof the phrase "paragraph J(b)".

ARTICLE VI

Article XII of the Agreement for Cooperation is hereby amended to read as follows:

"A. The Government of the United States of America and the Government of Spain, recognizing the desirability of making use of the facilities and services of the International Atomic Energy Agency as soon as practicable, agree that the Agency will be requested to assume responsibility for applying safeguards to materials and facilities subject to safeguards under this Agreement for Cooperation so that this responsibility will be assumed by the Agency at least six months prior to the startup of the Zorita nuclear power station described in Appendix A or by December 31, 1966, whichever date is earlier. It is contemplated that the necessary arrangements will be effected without modification of this Agreement, through an Agreement to be negotiated between the Parties and the Agency which may include provisions for suspension of the safeguard rights accorded the Commission by Article X, paragraph B, of this Agreement during the time and to the extent that the Agency's safeguards apply to such materials and facilities.

"B. In the event the Parties do not reach a mutually satisfactory agreement on the terms of the trilateral arrangement envisaged in Paragraph A of this Article, either Party may, by notification, terminate this Agreement. Before either Party takes steps to terminate, the Parties will carefully consider the economic effect of any such termination. Neither Party will invoke its termination rights until the other Party has been given sufficient advance notice to permit arrangements by the Government of Spain, if it is the other Party, for an alternative source of power and to permit adjustment by the Government of the United States of America, if it is the other Party, of production schedules. In the event of termination by either Party, the Government of Spain shall, at the request of the Government of the United States of America, return to the Government of the United States of America all special nuclear materials received pursuant to this Agreement and in its possession or in the possession of persons under its jurisdiction. The Government of the United States of America will compensate the Government of Spain for such returned material at the current Commission's schedule of prices then in effect domestically."

ARTICLE VII

This Amendment shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Amendment and shall remain in force for the period of the Agreement for Cooperation, as hereby amended.

In witness whereof, the undersigned, duly authorized, have signed this amendment.

Done at Washington, in duplicate, in the English and Spanish languages, both texts being equally authentic, this 29th day of November, 1965.

For the Government of the United States of America:

JOHN M. LEDDY,
Assistant Secretary for European Affairs, Department of State.

GLENN T. SEABORG,
Chairman, U.S. Atomic Energy Commission.

For the Government of Spain:

MERRY DEL VAL,
Spanish Ambassador to the United States.

Certified to be a true copy:

WILLIAM L. YEOMANS,
Chief, European Branch, Division of International Affairs, U.S. Atomic Energy Commission.

APPENDIX A

Spanish enriched uranium power reactor program

Reactors (1)	Start of construction (2)	Total kilograms U^{235} required [1] (3)
A. DON, 30 megawatts electric	1965	366
B. Zorita, 153 megawatts electric	1964	2,934
C. Nuclenor, 300 megawatts electric	1966	4,930
Total		8,230

[1] As calculated in art. VIII.D. of the Agreement for Cooperation, as amended.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., June 9, 1965.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the enclosed proposed "Amendment to Agreement for Cooperation Between the Government of the United States of America and the Government of Spain Concerning the Civil Uses of Atomic Energy," determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The Department of State supports the Commission's recommendation.

The proposed amendment, which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, would extend and modify the agreement between the United States of America and the Government of Spain which was signed at Washington on August 16, 1957. The principal objective of the amendment is to provide fuel for the planned Spanish nuclear power program of a long-term basis.

Article I of the amendment would extend the expiration date of the agreement from 1968 to 1988.

Article II would permit materials of interest in connection with defined research applications, including special nuclear materials (other than special nuclear materials for fueling reactors and reactor experiments) to be made available on an "as may be agreed" basis when such material is not commercially available. A similar provision has been incorporated in several of our other agreements.

Under article IIIA and article IV, enriched uranium and other materials could be transferred (including loaned, subject to required governmental authorization) for defined research applications, including research reactors, materials testing reactors, reactor experiments, and reactor prototypes. The inclusion of the flexibility permitting loan is designed to reflect a proposed cooperative arrangement the Commission is now negotiating with Spain under which the initial enriched uranium and heavy water requirements for a proposed Spanish reactor prototype (the DON reactor) would be loaned to Spain for a 5-year period. The new language to be inserted in the agreement covering the possibility of a loan of materials is permissive and not obligatory in nature and it is understood that the actual conclusion of a loan arrangement with Spain will be contingent upon a final decision on the part of Spain to proceed with the project, the development of a suitable detailed exchange arrangement covering U.S. participation, and the receipt of the requisite congressional authorization.

Article III of the amendment would also permit the sale of enriched uranium to meet all of Spain's requirements for enriched uranium for the power reactor program described in the agreement. In addition, consistent with a recent change in the Atomic Energy Act, production or enrichment services would be provided after December 31, 1968, and would be subject to such terms and conditions as may be established by the Commission.

Under article III of the amendment, the quantities of enriched uranium that could be transferred to the Government of Spain to cover the estimated long-term enriched uranium fuel requirements of Spain would be increased to a maximum amount of 8,500 kilograms of U^{235}.

Further, article III would allow the Atomic Energy Commission, at its discretion, to make available to Spain uranium enriched to more than 20 percent in the isotope U^{235} when there is a technical or economic justification for such a transfer. This provision has been incorporated in our agreements with several other countries.

In keeping with the U.S. policy on safeguards, article VI would provide that the International Atomic Energy Agency will assume the responsibility for applying safeguards to materials and facilities subject to safeguards under the agreement for cooperation at least 6 months prior to the startup of the Spanish Zorita power reactor or by December 31, 1966, whichever date is earlier. This transfer of responsibility would be accomplished without further modification to the agreement by means of a trilateral agreement to be negotiated among the United States, Spain and the International Atomic Energy Agency.

Following your determination, approval, and authorization, the proposed amendment will be formally executed by appropriate authorities of the Government of the United States of America and the Government of Spain. In compliance with section 123c of the Atomic Energy Act of 1954, as amended, the proposed amendment, together with your approval and determination, will then be submitted to the Joint Committee on Atomic Energy.

Respectfully yours,

GLENN T. SEABORG,
Chairman.

Enclosure: Amendment to the Agreement for Cooperation Between the Government of the United States of America and the Government of Spain.

THE WHITE HOUSE,
Washington, August 24, 1965.

Hon. GLENN T. SEABORG,
U.S. Atomic Energy Commission,
Washington.

DEAR DR. SEABORG: In accordance with section 123(a) of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission has submitted to me a proposed "Amendment to the Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Spain" and has recommended that I approve the proposed amendment, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution.

Pursuant to the provisions of 123(b) of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

(a) Approve the proposed amendment, and determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security of the United States of America;

(b) Authorize the execution of the proposed amendment on behalf of the Government of the United States of America by appropriate authorities of the Department of State and the Atomic Energy Commission.

Sincerely,

LYNDON B. JOHNSON.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., January 12, 1966.

Hon. CHET HOLIFIELD,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR CHET: Pursuant to section 123(c) of the Atomic Energy Act of 1954, as amended, there are submitted with this letter:

(a) An executed "Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy";

(b) A copy of the letter from the Commission to the President recommending approval of the agreement; and

(c) A copy of a letter from the President to the Commission containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and approving the agreement and authorizing its execution.

The agreement, which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, would supersede the "Agreement for Cooperation of the United States of America and the Government of Switzerland," signed at Washington on June 21, 1956, and amended on April 24, 1959, and June 11, 1960. As we reported to the Joint Committee on July 14, 1965, the 1955 research agreement with Switzerland was allowed to expire since cooperation could be continued under the 1956 power agreement.

The Government of Switzerland has been desirous for some time of receiving from the Commission a general assurance regarding the availability of enriched fuel for their long-term nuclear energy program. Accordingly, the agreement would have a duration of 30 years and would provide for the transfer of an increased quantity of U^{235} to meet the needs of both the long-term program and of miscellaneous research and development projects.

Article VI of the new agreement implements the provisions of the private ownership legislation by providing a framework within which private persons in the two countries may be parties to transfers of special nuclear material. While the precise means by which these private transactions would be carried out have not yet been developed, the Commission retains the right to insure that they are made in accordance with applicable laws, regulations, policies and license requirements of the United States. Proposed regulations for licensing the export of special nuclear material have been published for comment. Materials transferred under article VI would be part of the total quantity of material available under the agreement.

Article VII would, consistent with the private ownership legislation, permit the Commission to perform uranium enrichment services after December 31, 1968, for the account of the Government of Switzerland. In addition, the net amount of U^{235} which could be transferred to Switzerland is increased to 30,000 kilograms, and uranium enriched to more than 20 percent in the isotope U^{235} could be made available when there is a technical or economic justification for such a transfer. In keeping with stated Commission policy, article VII also includes language which assures the comparability of domestic and foreign prices for enriched uranium and services performed, as well as of the advance notice required for delivery.

Article IX contains the peaceful uses guarantees of the Government of Switzerland and the Government of the United States. The U.S. guarantee would extend to equipment and devices transferred to the Government of the United States, to special nuclear material produced in U.S.-fueled reactors which is in excess of Switzerland's needs and which the United States decides to purchase, and to special nuclear material produced in U.S.-leased fuel which the United States elects to retain after reprocessing, or alternatively, to equivalent amounts of such purchased or retained material.

Article XI provides that the Government of the United States of America and the Government of Switzerland will promptly request the International Atomic Energy Agency to assume responsibility for applying safeguards to materials and facilities subject to safeguards under the agreement. This transfer of responsibility to the agency would be accomplished without amendment to the agreement by means of a trilateral agreement to be negotiated by the United States, Switzerland, and the IAEA.

The agreement will enter into force on the day on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of the agreement.

Cordially,

GLENN T. SEABORG,
Chairman.

Enclosures:

1. Agreement for Cooperation with the Government of Switzerland (3).
2. Letter from the Commission to the President (3).
3. Letter from the President to the Commission (3).

AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF SWITZERLAND CONCERNING CIVIL USES OF ATOMIC ENERGY

Whereas the Government of the United States of America and the Government of

Switzerland signed an "Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Switzerland" on June 21, 1956, which was amended by the Agreement signed on April 24, 1959, and the Agreement signed on June 11, 1960; and

Whereas the Government of the United States of America and the Government of Switzerland desire to pursue a research and development program looking toward the realization of peaceful and humanitarian uses of atomic energy, including the design, construction, and operation of power-producing reactors and research reactors, and the exchange of information relating to the development of other peaceful uses of atomic energy; and

Whereas the Government of the United States of America and the Government of Switzerland are desirous of entering into this Agreement to cooperate with each other to attain the above objectives; and

Whereas the Parties desire this Agreement to supersede the "Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Switzerland", signed on June 21, 1956, as amended;

The Parties agree as follows:

ARTICLE I

A. The "Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Switzerland", signed on June 21, 1956, as amended, is superseded on the date this Agreement enters into force.

B. This Agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Agreement and shall remain in force for a period of thirty (30) years.

ARTICLE II

A. Subject to the provisions of this Agreement, the availability of personnel and material, and the applicable laws, regulations, and license requirements in force in their respective countries, the Parties shall cooperate with each other in the achievement of the uses of atomic energy for peaceful purposes.

B. Restricted Data shall not be communicated under this Agreement and no materials or equipment and devices shall be transferred, and no services shall be furnished, under this Agreement, if the transfer of any such materials or equipment and devices or the furnishing of any such services involves the communication of Restricted Data.

C. This Agreement shall not require the exchange of any information which the Parties are not permitted to communicate because the information is privately owned or has been received from another Government.

ARTICLE III

A. Subject to the provisions of Article II, the Parties shall exchange unclassified information with respect to the application of atomic energy to peaceful uses and the problems of health and safety connected therewith. The exchange of information provided for in this Article shall be accomplished through various means available, including reports, conferences, and visits to facilities, and shall include information in the following fields:

(1) Development, design, construction, operation, and use of research, materials testing, experimental, demonstration power, and power reactors;

(2) Health and safety problems related to the operation and use of the types of reactors listed in subparagraph (1) above; and

(3) The use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture, and industry.

B. Agreed classification, patent, and security policies and practices shall continue to be maintained with respect to all classified information (including any inventions or discoveries employing such information), materials, equipment, and devices which have been exchanged under the superseded Agreement. The Parties intend to consult with each other to review the extent to which the agreed classification, patent, and security policies and practices referred to above continue to be appropriate and applicable.

ARTICLE IV

A. Materials of interest in connection with the subjects of agreed exchange of information, as provided in Article III and subject to the provisions of Article II, including source materials, special nuclear materials, by-product materials, other radioisotopes, and stable isotopes, may be transferred for defined applications other than fueling reactors and reactor experiments in such quantities and under such terms and conditions as may be agreed when such materials are not commercially available.

B. Subject to the provisions of Article II and under such terms and conditions as may be agreed, specialized research facilities and reactor materials testing facilities of the Parties shall be made available for mutual use consistent with the limits of space, facilities, and personnel conveniently available when such facilities are not commercially available.

C. With respect to the subjects of agreed exchange of information as provided in Article III and subject to the provisions of Article II, equipment and devices may be transferred from one Party to the other under such terms and conditions as may be agreed. It is recognized that such transfers will be subject to limitations which may arise from shortages of supplies or other circumstances existing at the time.

ARTICLE V

The application or use of any information (including design drawings and specifications) and any material, equipment, and devices, exchanged or transferred between the Parties under this Agreement, shall be the responsibility of the Party receiving it, and the other Party does not warrant the accuracy or completeness of such information and does not warrant the suitability of such information, material, equipment, and devices for any particular use or application.

ARTICLE VI

It is contemplated that, as provided in this Article, authorized private individuals and private organizations as well as governmental bodies in either the United States of America or Switzerland may deal directly with authorized private individuals and private organizations as well as governmental bodies in the other country. Accordingly, in connection with the subjects of agreed exchange of information as provided in Article III, it is understood that either Party and authorized persons under its jurisdiction may make arrangements to transfer and export materials, including special nuclear material, and equipment and devices to, and perform services for, the other Party and authorized persons under its jurisdiction. Such arrangements shall be subject to:

(1) the limitations in Article II; and

(2) applicable laws, regulations, policies, and license requirements of the Parties.

ARTICLE VII

A. During the period of this Agreement, the United States Commission will transfer to the Government of Switzerland, under such terms and conditions as the Parties may agree, uranium enriched in the isotope U^{235} for use in the fueling of defined research applications, including research reactors, materials testing reactors, reactor experiments, and reactor prototypes, as the Commission may agree to upon request of the Government of Switzerland.

B. In addition, the United States Commission is prepared to sell to the Government of Switzerland all of Switzerland's requirements for uranium enriched in the isotope U^{235} for use in the power reactor program described in the Appendix to this Agreement, which Appendix, subject to the quantity limitation established in paragraph E of this Article, may be amended from time to time by mutual consent without modification of this Agreement.

C. The United States Commission is also prepared, to such extent and under such conditions as it may establish, to enter into contracts to provide after December 31, 1968, for the production or enrichment, or both, in facilities owned by the Commission of special nuclear material for the account of the Government of Switzerland for the uses specified in paragraphs A and B above.

D. With respect to transfers of uranium enriched in the isotope U^{235} provided for in paragraphs A, B, and C of this Article, it is understood that:

(1) contracts specifying quantities, enrichments, delivery schedules, and other terms and conditions of supply or service will be executed on a timely basis between the United States Commission and the Government of Switzerland; and

(2) prices for uranium enriched in the isotope U^{235} sold or for services performed and the advance notice required for delivery will be those in effect for users in the United States. The United States Commission may agree to supply enriched uranium or perform enrichment services upon shorter notice, subject to assessment of such surcharge to the usual base price as the United States Commission may consider reasonable to cover abnormal production costs incurred by the United States Commission by reason of such shorter notice.

E. The adjusted net quantity of U^{235} in enriched uranium transferred from the United States of America to the Government of Switzerland under paragraphs A, B, and C of this Article during the period of this Agreement for Cooperation shall not exceed 30,000 kilograms. The following method of computation shall be used in calculating transfers, within the ceiling quantity of 30,000 kilograms of U^{235}, made pursuant to said paragraphs A, B, and C of this Article:

From:

(1) The quantity of U^{235} contained in enriched uranium transferred to the Government of Switzerland pursuant to said paragraphs A, B, and C, minus

(2) The quantity of U^{235} contained in an equal quantity of uranium of normal isotopic assay.

Subtract:

(3) The aggregate of the quantities of U^{235} contained in recoverable uranium of U.S. origin either transferred to the United States of America or to any other nation or group of nations with the approval of the Government of the United States of America pursuant to this Agreement, minus

(4) The quantity of U^{235} contained in an equal quantity of uranium of normal isotopic assay.

F. It is agreed that, should the total quantity of enriched uranium which the United States Commission has agreed to provide pursuant to this and other Agreements for Cooperation reach the maximum quantity of enriched uranium which the Commission has available for such purposes, and should the Government of Switzerland not have executed contracts covering the adjusted net quantity specified in paragraph E of this Article, the Commission may request, upon appropriate notice, that the Government of Switzerland execute contracts for all or any part of such enriched uranium as is not then

under contract. It is understood that, should the Government of Switzerland not execute a contract in accordance with a request by the Commission hereunder, the Commission shall be relieved of all obligations to the Government of Switzerland with respect to the enriched uranium for which contracts have been so requested.

G. The enriched uranium supplied hereunder may contain up to twenty percent (20%) in the isotope U^{235}. The United States Commission, however, may make available a portion of the enriched uranium supplied hereunder as material containing more than 20% in the isotope U^{235} when there is a technical or economic justification for such a transfer.

H. It is understood, unless otherwise agreed, that in order to assure the availability of the entire quantity of enriched uranium allocated hereunder for a particular reactor project described in the Appendix, it will be necessary for the construction of the project to be initiated in accordance with the schedule set forth in the Appendix and for the Government of Switzerland to execute a contract for that quantity in time to allow for the United States Commission to provide the material for the first fuel loading. It is also understood that if the Government of Switzerland desires to contract for less than the entire quantity of enriched uranium allocated for a particular project or terminates the supply contract after execution, the remaining quantity allocated for that project shall cease to be available and the maximum adjusted net quantity of U^{235} provided for in paragraph E of this Article shall be reduced accordingly, unless otherwise agreed.

I. Within the limitations contained in paragraph E of this Article, the quantity of uranium enriched in the isotope U^{235} transferred by the United States Commission under this Article and in the custody of the Government of Switzerland for the fueling of reactors or reactor experiments shall not at any time be in excess of the quantity thereof necessary for the loading of such reactors or reactor experiments, plus such additional quantity as, in the opinion of the Parties, is necessary for the efficient and continuous operation of such reactors or reactor experiments.

J. It is agreed that when any special nuclear material received from the United States of America requires reprocessing, such reprocessing shall be performed at the discretion of the Commission in either Commission facilities or facilities acceptable to the Commission, on terms and conditions to be later agreed; and it is understood, except as may be otherwise agreed, that the form and content of any irradiated fuel elements shall not be altered after their removal from the reactor prior to delivery to the Commission or the facilities acceptable to the Commission for reprocessing.

K. With respect to any special nuclear material not owned by the Government of the United States of America produced in reactors fueled with materials obtained from the United States of America which is in excess of the need of the Government of Switzerland for such materials in its program for the peaceful uses of atomic energy, the Government of the United States of America shall have, and is hereby granted, (a) a first option to purchase such material at prices then prevailing in the United States of America for special nuclear material produced in reactors which are fueled pursuant to the terms of an agreement for cooperation with the Government of the United States of America, and (b) the right to approve the transfer of such material to any other nation or a group of nations in the event the option to purchase is not exercised.

L. Special nuclear material produced, as a result of irradiation processes, in any part of the fuel leased hereunder shall be for the account of the Government of Switzerland, and, after reprocessing as provided in paragraph J of this Article, shall be returned to the Government of Switzerland, at which time title to such material shall be transferred to that Government, unless the Government of the United States of America shall exercise the option, which is hereby granted, to retain, with a credit to the Government of Switzerland based on the prices in the United States of America referred to in paragraph K of this Article, any such special nuclear material which is in excess of the needs of Switzerland for such material in its program for the peaceful uses of atomic energy.

M. Some atomic energy materials which the Government of Switzerland may request the Commission to provide in accordance with this Agreement, or which have been provided to the Government of Switzerland under the superseded Agreement, are harmful to persons and property unless handled and used carefully. After delivery of such materials to the Government of Switzerland, the Government of Switzerland shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any special nuclear materials or fuel elements which the Commission may lease pursuant to this Agreement, or may have leased pursuant to the superseded Agreement, to the Government of Switzerland or to any private individual or private organization under its jurisdiction duly authorized to this effect, the Government of Switzerland shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such special nuclear materials or fuel elements after delivery by the Commission to the Government of Switzerland or to any authorized private individual or private organization under its jurisdiction.

ARTICLE VIII

As may be necessary and as may be mutually agreed in connection with the subjects of agreed exchange of information as provided in Article III, and subject to the limitations set forth in Article II, and under such terms and conditions as may be mutually agreed, specific arrangements may be made from time to time between the Parties for the lease or sale of quantities of material, including heavy water and natural uranium, but not including special nuclear materials, greater than those required for research when such materials are not commercially available.

ARTICLE IX

A. The Government of Switzerland guarantees that:

(1) Safeguards provided in Article X shall be maintained.

(2) No material, including equipment and devices, transferred to the Government of Switzerland or authorized persons under its jurisdiction by purchase or otherwise pursuant to this Agreement or the superseded Agreement, and no special nuclear material produced through the use of such material, equipment and devices, including any such special nuclear material held under the superseded Agreement, will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose.

(3) No material, including equipment and devices, transferred to the Government of Switzerland or authorized persons under its jurisdiction pursuant to this Agreement or the superseded Agreement, and no special nuclear material produced through the use of such material, equipment, or devices, including any such special nuclear material held under the superseded Agreement, will be transferred to unauthorized persons or beyond the jurisdiction of the Government of Switzerland, except as the United States Commission may agree to such a transfer to another nation or group of nations, and then only if, in the opinion of the United States Commission, the transfer of the material is within the scope of an agreement for cooperation between the Government of the United States of America and the other nation or group of nations.

B. The Government of the United States of America guarantees that no equipment or devices transferred from the Government of Switzerland to the Government of the United States of America or authorized persons under its jurisdiction pursuant to this Agreement or the superseded Agreement, no material purchased by the Government of the United States of America pursuant to paragraph K of Article VII of this Agreement, and no material retained by the Government of the United States of America pursuant to paragraph L of Article VII of this Agreement, or an equivalent amount of material of the same type as such purchased or retained material substituted therefor, will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose.

ARTICLE X

A. The Government of the United States of America and the Government of Switzerland emphasize their common interest in assuring that any material, equipment, or device made available to the Government of Switzerland pursuant to this Agreement or the superseded Agreement shall be used solely for civil purposes.

B. Except to the extent that the safeguards provided for in this Agreement are supplanted, by agreement of the Parties as provided in Article XI, by safeguards of the International Atomic Energy Agency, the Government of the United States of America, notwithstanding any other provisions of this Agreement, shall have the following rights:

(1) With the objective of assuring design and operation for civil purposes and permitting effective application of safeguards, to review the design of any

(a) reactor and

(b) other equipment and devices, the design of which the United States Commission determines to be relevant to the effective application of safeguards, which are to be made available to the Government of Switzerland or any person under its jurisdiction, or which are to use, fabricate, or process any of the following materials so made available: source material, special nuclear material, moderator material, or other material designated by the United States Commission;

(2) With respect to any source or special nuclear material made available to the Government of Switzerland or any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction and any source or special nuclear material utilized in, recovered from, or produced as a result of the use of any of the following materials, equipment, or devices so made available:

(a) source material, special nuclear material, moderator material, or other material designated by the United States Commission,

(b) reactors,

(c) any other equipment or device designated by the United States Commission as an item to be made available on the conditions that the provisions of this subparagraph B (2) will apply.

(i) to require the maintenance and production of operating records and to request and receive reports for the purpose of assisting in ensuring accountability for such materials; and

(ii) to require that any such material in the custody of the Government of Switzerland or any person under its jurisdiction be subject to all of the safeguards provided for in this Article and the guaranties set forth in Article IX;

(3) To require the deposit in storage facilities designated by the United States Commission of any of the special nuclear material referred to in subparagraph B (2) of this Article which is not currently utilized for civil purposes in Switzerland and which is not purchased or retained by the Government of the United States of America pursuant to Article VII of this Agreement, transferred pursuant to Article VII, paragraph K (b), or otherwise disposed of pursuant to an arrangement mutually acceptable to the Parties;

(4) To designate, after consultation with the Government of Switzerland, personnel who, accompanied, if either Party so requests, by personnel designated by the Government of Switzerland, shall have access in Switzerland to all places and data necessary to account for the source and special nuclear materials which are subject to subparagraph B(2) of this Article, to determine whether there is compliance with this Agreement, and to make such independent measurements as may be deemed necessary;

(5) In the event of non-compliance with the provisions of this Article or the guaranties set forth in Article IX and the failure of the Government of Switzerland to carry out the provisions of this Article within a reasonable time, to suspend or terminate this Agreement and to require the return of any materials, equipment, and devices referred to in subparagraph B(2) of this Article;

(6) To consult with the Government of Switzerland in the matter of health and safety.

C. The Government of Switzerland undertakes to facilitate the application of the safeguards provided for in this Article.

ARTICLE XI

A. The Government of the United States of America and the Government of Switzerland, recognizing the desirability of making use of the facilities and services of the International Atomic Energy Agency, agree that the Agency will be promptly requested to assume responsibility for applying safeguards to materials and facilities subject to safeguards under this Agreement. It is contemplated that the necessary arrangements will be effected without modification of this Agreement through an agreement to be negotiated between the Parties and the Agency which may include provisions for suspension of the safeguard rights accorded to the United States Commission by Article X of this Agreement, during the time and to the extent that the Agency's safeguards apply to such materials and facilities.

B. In the event the Parties do not reach a mutually satisfactory agreement on the terms of the trilateral arrangement envisaged in paragraph A of this Article, either Party may, by notification, terminate this Agreement. Before either Party takes steps to terminate this Agreement, the Parties will carefully consider the economic effects of any such termination. Neither Party will invoke its termination rights until the other Party has been given sufficient advance notice to permit arrangements by the Government of Switzerland, if it is the other Party, for an alternative source of power and to permit adjustment by the Government of the United States of America, if it is the other Party, of production schedules. In the event of termination by either Party, the Government of Switzerland shall, at the request of the Government of the United States of America, return to the Government of the United States of America all special nuclear material received pursuant to this Agreement and still in its possession or in the possession of persons under its jurisdiction. The Government of the United States of America will compensate the Government of Switzerland for sold material so returned at the United States Commission's schedule of prices then in effect domestically.

ARTICLE XII

The rights and obligations of the Parties provided for under this Agreement shall extend to cooperative activities initiated under the superseded Agreement, including, but not limited to, material, equipment, devices, and information transferred thereunder, to the extent applicable.

ARTICLE XIII

For the purposes of this Agreement:

A. "United States Commission" or "Commission" means the United States Atomic Energy Commission.

B. "Parties" means the Government of the United States of America, including the United States Commission on behalf of the Government of the United States of America, and the Government of Switzerland, including the Office of the Federal Delegate for Atomic Energy Questions on behalf of the Government of Switzerland. "Party" means one of the above "Parties".

C. "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

D. "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

E. "Equipment and devices" and "equipment or device" means any instrument, apparatus, or facility and includes any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof.

F. "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency, or government corporation but does not include the Parties to this Agreement.

G. "Reactor" means an apparatus, other than an atomic weapon, in which a self-supporting fission chain reaction is maintained by utilizing uranium, plutonium, or thorium, or any combination of uranium, plutonium, or thorium.

H. "Restricted Data" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material in the production of energy, but shall not include data declassified or removed from the category of Restricted Data by the appropriate authority.

I. "Source material" means (1) uranium, thorium, or any other material which is determined by the United States Commission or the Government of Switzerland to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as the United States Commission or the Government of Switzerland may determine from time to time.

J. "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the United States Commission or the Government of Switzerland determines to be special nuclear material; or (2) any material artificially enriched by any of the foregoing.

K. "Superseded Agreement" means the Agreement signed by the Parties on June 21, 1956, as amended by the Agreement signed on April 24, 1959, and the Agreement signed on June 11, 1960.

L. "Safeguards" means a system of controls designed to assure that any materials, equipment, or devices committed to the peaceful uses of atomic energy are not used to further any military purpose.

In witness whereof, the undersigned, duly authorized, have signed this Agreement.

Done at Washington in duplicate, in the English and French languages, both equally authentic, this 30th day of December 1965.

For the Government of the United States of America:

WALTER J. STOESSEL,
Deputy Assistant Secretary of State for European Affairs, Department of State.

GLENN T. SEABORG,
Chairman, U.S. Atomic Energy Commission.

For the Government of Switzerland:

ALFRED ZEHNDER,
Ambassador of Switzerland, Embassy of Switzerland.

Certified to be a true copy:

WILLIAM L. YEOMANS,
Chief, European Branch, Division of International Affairs, U.S. Atomic Energy Commission.

APPENDIX

Swiss enriched uranium power reactor program

Reactors (1)	Start of construction (2)	Total kilograms U^{235} required [1] (3)
A. NOK, 350 megawatts electric, PWR (Beznau)	1965	7,560
B. Atom-Electra, 600 megawatts electric (Electrowatt)	1966	9,220
C. 100 megawatts electric	1967	970
D. Bernese, 300 megawatts electric (Muhleberg I)	1967	6,058
E. Bernese, 300 megawatts electric (Muhleberg II)	1970	5,160
Total		28,968

[1] As calculated in art. VII, par. E, of the Agreement or Cooperation.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., October 29, 1965.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: In accordance with section 123(a) of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission recommends that you approve the enclosed proposed "Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy," determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The Department of State supports the Commission's recommendation.

The proposed agreement, which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, would supersede the "Agreement for Cooperation Concerning Civil Uses of Atomic Enery Between the Government of the United States of America and the Government of Switzerland," signed at Washington on June 21, 1956, as amended. The Agreement for Cooperation signed in 1955 covering a limited program of research was allowed to expire on July 17, 1965, inasmuch as the cooperative activities initiated under that agreement had been brought under the provisions of the existing power agreement.

The primary reasons for entering into a new agreement are (a) to provide the framework for assuring the long-term supply of enriched fuel required for the projected Swiss nuclear power program and (b) to im-

plement provisions of the Atomic Energy Act of 1954, which were added by recent amendments, permitting the performance of uranium enrichment services by the Commission and the private ownership of special nuclear material.

The proposed agreement, which would have a term of 30 years, would provide for the conduct of activities on an unclassified basis, in contrast to the existing agreement which permits the exchange of classified information.

Article VI of the new agreement would reflect the recent changes in the Atomic Energy Act of 1954 permitting private ownership of special nuclear material by enabling private parties in the United States and Switzerland to be parties to arrangements for the transfer of special nuclear material. Previously, such transactions were confined to governments. Arrangements made directly between private parties under the proposed article VI would be undertaken pursuant to applicable laws, regulations, policies, and license requirements of the United States and Swiss Governments.

Article VII of the proposed agreement would permit the sale of enriched uranium required for the long-term Swiss power reactor program described in the appendix to the agreement and would increase the maximum quantity of U^{235} that could be transferred to Switzerland from the present limit of 500 kilograms to 30,000 kilograms.

Article VII would also permit the Commission to perform uranium enrichment services after December 31, 1968, for the account of the Government of Switzerland under terms and conditions which the Commission may establish. In addition, the Commission would be able, at its discretion, to make available to the Government of Switzerland uranium enriched to more than 20 percent in the isoptope U^{235} when there is an economic or technical justification for such a transfer.

In keeping with stated Commission policy, article VII also includes language which assures the comparability of domestic and foreign prices for enriched uranium and services performed, as well as of the advance notice required for delivery.

Article IX would continue in effect the U.S. guarantee that no equipment or device transferred to the Government of the United States will be used for military purposes. The U.S. guarantee would also extend to (a) special nuclear material produced in U.S.-fueled reactors which is in excess of Switzerland's needs and which the United States decides to purchase, and (b) special nuclear material produced in U.S.-leased fuel which the United States elects to retain after reprocessing, or, alternatively, to equivalent amounts of such purchased or retained material.

In keeping with U.S. policy to arrive at explicit understandings with countries with which we have cooperative agreements as to the transfer of safeguards to the International Atomic Energy Agency, article XI of the proposed agreement provides that the Agency will be promptly requested to assume responsibility for applying safeguards to materials and facilities subject to safeguards under the agreement.

Following your determination, approval, and authorization, the proposed agreement will be formally executed by appropriate authorities of the Governments of the United States and Switzerland. In compliance with section 123(c) of the Atomic Energy Act of 1954, as amended, the proposed agreement will then be placed before the Joint Committee on Atomic Energy.

Respectfully yours,

GLENN T. SEABORG,
Chairman.

(Enclosure: Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland.)

THE WHITE HOUSE,
Washington, D.C., December 2, 1965.

Hon. GLENN T. SEABORG,
U.S. Atomic Energy Commission,
Washington, D.C.

DEAR MR. SEABORG: In accordance with section 123(a) of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission has submitted to me by a letter of October 29, 1965, a proposed "Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy," and has recommended that I approve the proposed agreement, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution.

Pursuant to the provisions of section 123 (b) of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby (a) approve the proposed agreement and determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security of the United States of America; and (b) authorize the execution of the proposed agreement on behalf of the Government of the United States of America by appropriate authorities of the Department of State and the Atomic Energy Commission.

Sincerely,

LYNDON B. JOHNSON.

Mr. GORE. I am also scheduling a public hearing by the Subcommittee on Agreements for Cooperation concerning these amendments, beginning on January 27, 1966.

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. GORE. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection it is so ordered.

A PLEA FOR PATIENCE AND COURAGE IN THE SEARCH FOR PEACE IN VIETNAM

Mr. McGOVERN. Mr. President, those of us in positions of public trust are now involved in what may be the most fateful decision-making period of our lives. The war in Vietnam will either begin to move this year toward a peaceful resolution—however slow and uncertain the road—or it will degenerate into a deepening morass that may claim the lives of our sons and the sons of Asia for years to come. A major war on the Asian mainland could exhaust America's blood and treasure for all our days and in the end create conditions of bitterness and despair that would curse us for a generation. I believe that preventing that war is the most urgent task of statesmanship of the next 10 or more years.

The sober report of Senator MANSFIELD, the distinguished majority leader, and our colleagues who traveled with him in Asia this fall, concludes:

> The situation, as it now appears, offers only the very slim prospect of a just settlement by negotiations or the alternative prospect of a continuance of the conflict in the direction of a general war on the Asian mainland.

Those observations state my own impressions better than I could after a visit to Vietnam in late November and early December. The Mansfield report is a document which every American policy planner, every Member of Congress, and every concerned American citizen should read and ponder carefully. The Senator from Montana, who has no peer in the Senate as an authority on southeast Asia, and his distinguished colleagues including the highly respected senior Republican of the Senate, Senator AIKEN, of Vermont, have performed a great service to the Nation and to the peace of the world. Their report may prove to be one of the most significant documents in recent years in that it has given our country a clearer view of the hard and dangerous realities that now face us in Vietnam.

I am deeply grateful to President Johnson, who carries the heaviest burden of us all, that he has stopped the bombing of North Vietnam in spite of the objections of some of his advisers. The more we can reduce the scope of this struggle and confine it to the local trouble in Saigon, where it began, the less danger there will be of losing our young men in an inconclusive and widening war.

I am deeply grateful, too, for the President's vigorous efforts in recent days to find a diplomatic breakthrough to an honorable settlement of the war. We need now to exercise great patience and courage during the President's current efforts for peace. We have been patient for five years with those who offered a military solution to the problem. Now let us be equally persistent and equally patient in the effort to find a peaceful solution. Each time our Vietnam policymakers have offered a new formula for winning the war they have been proved wrong. Yet, we have not only been patient with these strategists; we have permitted them to launch new and larger ventures. Many Members of the Congress, even those with deep apprehension about our growing involvement in the Vietnam struggle, have kept silent or have restrained their dissent rather than risk weakening the various strategies we have tried on the battlefield. Now the time has come to exercise the same patience and perseverance in the search for a peaceful settlement. Just as we have tried a wide range of military efforts, and experiments of various kinds, we now need to try a full range of diplomatic and political efforts to end the war. Patience is cheaper than blood, and an honorable peace is better than the length of the daily body count. Prime Minister Shastri's last recorded words, spoken to his defense minister, were: "We must fight for peace bravely as we fought in war." That is an appropriate admonition to all nations.

So let us not be too quick to launch the bombing attacks again. I think it is clear that we have nothing to gain and much to lose by resuming the bombing of North Vietnam. First of all, these

attacks have been largely ineffective militarily. They were designed to stop the flow of North Vietnamese soldiers into South Vietnam, but as Secretary McNamara observed recently, after returning from a trip to Vietnam, there are now several times as many North Vietnamese in the south as when we started the bombing last February. Furthermore, we have suffered a heavy loss of skilled pilots and costly airplanes in the bombing effort. The advocates of resuming the bombing look at the losses on the other side, but they do not consider the losses on our side. Our losses have been excessive in terms of the limited damage to the enemy's military capability. In one instance reported to me, we lost three highly trained pilots and three expensive bombers trying unsuccessfully to knock out a little bridge of secondary military importance. As a former bomber pilot who has asked many questions of some of our thoughtful military tacticians, I see little or no military advantage in resuming the bombing of North Vietnam. Quite the contrary, the record indicates that North Vietnam responds to the bombings by sending more forces southward. In other words the bombing missions in the north may result in the death of more American soldiers in the south.

Nor is there any compelling diplomatic or political reason for resuming the bombings. They have not put Hanoi in a more favorable mood to negotiate. The lessons of recent history are that bombing attacks infuriate and unite a people behind their government in rigid resistance to the attackers. To produce a climate favorable for discussion, which is now the announced top priority of our Government, both sides need time for the clash of battle, the hatreds, and tensions to cool down. That process cannot be enhanced by resuming the bombing raids on the bridges and buildings that the people of North Vietnam have built at such sacrifice in recent years.

Furthermore, President Johnson with imagination and vision has sent his top diplomats around the world and around this city to the various embassies, urging many other governments to use their good offices in persuading the Government of North Vietnam to enter discussions with us looking toward a settlement of the war. Friendly governments in eastern Europe, such as Yugoslavia and many other countries have at our request agreed to assist in the search for a peaceful settlement. These concerned governments which have placed their confidence in us have urged for months that we halt the bombing. Now they need time—perhaps many months—to convince Hanoi that a satisfactory settlement can be achieved with the United States, and with other interested governments and groups which are involved in the struggle. If we were to resume bombings now or in the near future, I tremble to think of the staggering blow this would be to our presently favorable position with the many governments whose help we have asked in the search for peace.

I sometimes think that one of the great, unrecognized costs of this crisis is that we have neglected our relationships with other major countries that are important to the long-range security of our country and peace of the world.

A front-page story in today's New York Times reports:

> The Governments of Britain, France and Japan, all allies of the United States, and the Communist governments of Europe as well as the governments of a number of nonalined nations are said to be pleading for several more weeks or even months of restraint. More time is needed for diplomatic maneuver, they maintain, and for a better assessment of North Vietnam's interest in tempering if not settling the conflict.

Mr. President, these countries are being bitterly chided by Red China who is telling them that the bombing pause is just a lull before we hit even harder. Let us not play into the hands of the Chinese Communists and undercut our friends by resuming the bombing as China insists we are about to do.

It would seem to me that we should also exercise caution in the conduct of the war in the south. I frankly was puzzled by our recent offensive in the delta involving 8,000 American soldiers. Why is it necessary to engage in such large offensive operations during this intensive search for a peaceful settlement? I hope there will be no more such engagements undertaken by us unless the other side forces the issue. We are advised by the President and by others that it has been several weeks since any North Vietnamese forces have engaged our troops in battle and that Vietcong initiated incidents have been reduced during the bombing pause. Why, then should we needlessly risk the death of our own soldiers in major offensive campaigns when our diplomats are trying to reach an end to the war? Would it not be more realistic and sensible to defend our present position and hold the line while the peace efforts are underway rather than to launch new operations that can only lead to loss of life and perhaps complicate the search for a settlement? Now would seem the time to escalate the peace offensive and deescalate the killing. As Senator JOHN SHERMAN COOPER, one of the wisest Members of the Senate and in our country, put it in a thoughtful statement recently:

> Negotiation, not escalation, should be the dominant theme of our activity now.

Let me make my own position clear. I have never agreed with the foreign policy assumptions that first took us into southeast Asia in an active combat role. Nor do I accept those assumptions now. Southeast Asia is outside the perimeter of our vital interests. Furthermore, it is an area convulsed by nationalistic revolutionary movements aimed at ineffective and sometimes corrupt local regimes. We identify with such regimes and against popular revolutionary movements at our peril. We have no commitment or interest in southeast Asia that justifies the sacrifice of American troops on the scale necessary to win a military decision.

In 1954 when the French were on the verge of military disaster in Vietnam, there were those who urged that American troops be sent in an effort to turn the tide. That move was blocked in considerable part because of the sound advice of our then Army Chief of Staff, Gen. Matthew Ridgway, whose warnings made sense to another experienced general, President Dwight Eisenhower. In his book, "Soldier: The Memoirs of Matthew B. Ridgway," published in 1956, General Ridgway wrote:

> When the day comes for me to face my Maker and account for my actions, the thing I would be most humbly proud of was the fact that I fought against, and perhaps contributed to preventing the carrying out of some harebrained tactical schemes which would have cost the lives of thousands of men. To that list of tragic accidents that fortunately never happened I would add the Indochina intervention.

In hearings before the Armed Services Committee and the Committee on Foreign Relations of the U.S. Senate in May 1951, the late Gen. Douglas MacArthur—a man of vast military experience in Asia, confirmed an earlier statement he had made on NBC when he asserted: "Anybody who commits the land power of the United States on the continent of Asia ought to have his head examined."

At the same hearing, one of our wisest and ablest generals of World War II, Gen. Omar Bradley, said:

> I would hate very much to see us involved in a land war in Asia. I think we would be fighting a wrong war at the wrong place and against a wrong enemy.

I agree with General Ridgway, General MacArthur, General Bradley—and, more recently, with General James Gavin—and others that the United States should never commit our manpower to a major war on the Asian mainland except in the event of a direct attack on the United States such as occurred at Pearl Harbor some 25 years ago.

Anyone who believes that it is easy for a Western power to win a war against Asia's limitless manpower, its dense jungles, and its vast terrain should read the testimony of our generals in full when they were being interrogated for the record. If those warnings do not suffice, let those who advocate a bigger war, and who are in a hurry to resume the bombing and step up the war, ponder the careful language of Senator MANSFIELD and his colleagues:

> If present trends continue, there is no assurance as to what ultimate increase in American military commitment will be required before the conflict is terminated. For the fact is that under present terms of reference and as the war has evolved, the question is not one of applying increased U.S. pressure to a defined military situation, but rather of pressing against a military situation which is, in effect, open ended.

Mr. President, those are sober words. They are not overly emotional. I believe that the "open ended" situation to which the Mansfield report refers is the pathway to Armageddon and the loss of our national strength in a war without end.

So I oppose any further extension of this highly dangerous war.

Furthermore, I believe the President is right in making certain modifications in our previous diplomatic position so that we can better clear the path to a conference with the other side. I said recently

in an NBC televised interview that it will be difficult, if not impossible, to negotiate an end to this war without recognizing the primary interest of the South Vietnamese rebel leaders in both the negotiations and the postwar provisional government. This, I think, has been a major barrier to negotiations. If one studies the two proposed negotiating positions of Hanoi and Washington, it becomes clear that one sticking point centers on the question of whether or not the National Liberation Front of the Vietcong shall play a role in the negotiations and in the postwar settlement. At a time when this group is in control of two-thirds of the terrain and from one-third to one-half of the people of Vietnam, it is unrealistic to think that they can be left out of the negotiating efforts or the post-war settlement. Such an approach would have been paralleled in our early history if King George III had expressed a willingness to negotiate with our French ally while ignoring George Washington and his rebel Americans.

As to what specific part the Vietcong rebels should play in the postwar provisional government of South Vietnam, that is a matter to be decided at the conference table and eventually to be decided by free elections on the part of the people of Vietnam. I am encouraged by recent reports that our Government has indicated a new willingness to recognize these political realities.

We need to pursue the search for peace in Vietnam in a variety of ways until the war is ended. If we can afford to experiment for long years with costly techniques of destruction, we ought to have the self-discipline to devote at least the balance of this year to the search for peace before we consider any extension of the war. Each time our strategists have mistakenly predicted that the war would be won if we just tried one more technique or expansion, we have simply redoubled the military prescription. And now Senator MANSFIELD and his colleagues report, after all the sacrifice, that the military lines are about the same at the end of 1965 as they were at the end of 1964.

We have gone, almost without realizing what was happening, from a seemingly harmless offer of economic assistance some 12 years ago, offers by President Eisenhower, to the point where we now have almost one-fourth of a million American men on land and immediately offshore on naval units engaged in combat roles.

We have been bombing South Vietnam, North Vietnam, Laos, and now, folly of follies, there are those who are urging that we ought to bomb Cambodia and the cities of North Vietnam and perhaps even China.

But each extension of the war has only resulted in more troops from the other side. So let those who talk of easy solutions through more soldiers and more bombs and more guns recognize that their past advice has only taken more of our soldiers to their deaths. In one breath these strategists deplore that American boys are coming home in wooden boxes. But in the next breath they offer a so-called victory formula that might send 100,000 young Americans home in boxes. They say to the President, let us not talk of ending this war until we have destroyed the enemy, until we have won a victory.

Do they know what that means? Have they counted the cost? Do they know that may involve sending a million American boys to the jungles of Asia to pursue an elusive rebel force that is everywhere and yet nowhere—a rebel force that defeated the cream of the French Army, a force of half a million men? Do they know that we are confronted by dedicated guerrilla fighters so intermingled with the civilian populace that to kill the guerrillas would involve slaughtering men, women, and children by the tens of thousands whose support we need?

A veteran reporter of the New York Times, Jack Languth, after spending more than a year traveling with our forces in South Vietnam and viewing the operations at first hand, came to the conculsion that we might be able to win a military victory of sorts. However, he said that to do it we would have to kill at least two or three innocent men, women, and children who are on our side for every Vietcong guerrilla we were able to destroy.

Mr. President, I suggest that that is a price that is not worthy of the interest involved.

A year ago when some of us took the Senate floor to warn against the deepening U.S. involvement in that self-defeating war and to urge that our country express its willingness to negotiate an honorable settlement, we were accused on this floor of running up a white flag and deserting our President. But as I said then, those gentlemen who talk of total victory will not be the ones who give their lives in that so-called victory. It will be our sons and the sons of other nations. Nor will those gentlemen who call for total victory necessarily stand with the President. Some of them will try to turn this dangerous venture that they urge on the President into a political gain for themselves and political destruction for the President and his administration.

That is what they did when the Korean involvement turned sour 15 years ago, and that is what they would try to do with Vietnam.

In June of 1950, President Truman ordered American troops to Korea to turn back the Communist invaders from North Korea. That mission had a limited purpose—to repel the aggressors and reestablish the legitimacy of the 38th parallel. In a few months' time, with a moderate loss of life, our troops drove the invader back to his side of the demarcation line. But then the momentum of the war took charge and the administration nervously approved sending our troops far into North Korea to try for a total victory over the enemy. Then came the great tragedy of the Korean war. As our troops approached the Chinese border, Peiping ordered its forces into the war a million strong—in spite of General MacArthur's intelligence reports that this would not happen. The Korean war then took on a bloody dimension that eventually cost us 50,000 American casualties and billions of dollars. In the end, after months of bloodshed, we finally settled on a cease-fire at the 38th parallel, which we could have had at a fraction of the cost in lives and treasure many long months earlier had we not seen fit to escalate the war.

So I hope and pray that the President will continue the bombing pause in North Vietnam indefinitely, that he will confine our military action in South Vietnam so that we lose the least possible number of those brave American men I visited in Vietnam last month—that he will go all out not for a so-called victory which only means that the jungles of Asia will be drenched with American blood—but rather that he will continue to expand and diversify and strengthen the quest for a peaceful settlement.

On July 27 of last year, I took the Senate floor to describe what I believed to be the realities then facing us in Vietnam. Because I believe that analysis is equally valid today, I quote a few of my earlier remarks as follows:

> We are talking here, however, of a major war involving thousands of American casualties, the expenditure of billions of dollars, vast bloodshed and destruction for the Vietnamese people, and an uncertain outcome. There are other possible side results of such a war that may be even more serious in the long run than the war itself, including:
>
> (1) the worsening of relations between the world's two major nuclear powers, the Soviet Union and the United States;
>
> (2) the strengthening of the most belligerent leadership elements in the Communist world and the weakening of the moderate forces;
>
> (3) the growing conviction in Asia, whether justified or not, that the United States is a militaristic power with a low regard for the lives of Asiatics and an excessive concern over other people's ideologies and political struggles; and
>
> (4) the derailment of efforts toward world peace and the improvement of life in the developing countries, to say nothing of its impact on our own hopes, for a better society.

The questions now before us, I said on July 27, are:

> (1) Do we continue to accelerate the struggle toward a major war? (2) Do we call it off and withdraw our forces? or (3) Do we consolidate our present position, keep our casualties at a minimum, and hold out indefinitely for a negotiated settlement?
>
> I strongly recommend the third course. I urge that we stop the bombing attacks in both North and South Vietnam. Bombing is largely ineffective in a guerrilla war and more often than not kills the wrong people. We should also stop the jungle land skirmishes which subject our soldiers to ambush. Instead, let us consolidate our troops in a holding action in the cities and well-defended enclaves along the coast. We can hold the cities and the coastal enclaves with few casualties and with little likelihood that the Vietcong will attack frontally. Such a plan would provide a haven for anti-Communist, pro-Government citizens including the religious groups, and would demonstrate that we are not going to be pushed out.
>
> Furthermore, it is based on the realities of the present political and military map of Vietnam. While we are in control of the cities and the coast, the guerrillas control most of the rural and village areas. To dislodge them would be to destroy in the process thousands of the innocent civilians we are trying to save.

And I might add, whose support will decide in the long run the outcome of this struggle.

A policy of restricting our military efforts in Vietnam to a holding action in the cities and the coastal enclaves will avoid this kind of self-defeating jungle warfare. We can supply, feed, and defend, the urban and coastal areas with a modest effort and minimum loss of life. This is a strategy that calls primarily for restraint and patience until such time as the Vietcong get it through their heads that we will not be pushed out. I have been critical of our unilateral Vietnam involvement, and I think the original commitment and its acceleration was a mistake. But we made the commitment, and I would be prepared to support the kind of holding action outlined above until we can reach an acceptable settlement of the struggle.

That ends the remarks that I made on the Senate floor last July.

Mr. President, that approach to our present involvement in Vietnam has recently been recommended in convincing terms by former Gen. James M. Gavin, in a communication for the current issue of Harper's magazine. I hope all of our policymakers will read that thoughtful communication by one of our most able former generals.

Since I made the foregoing remarks last July, our pilots have flown thousands of bombing sorties. Let me say here parenthetically that we have never sent any better men into combat than those pilots and our other men now fighting in Vietnam. We have sent another 125,000 troops into combat—a thousand of them giving their lives and another 5,000 being maimed or wounded since last summer. The Vietnamese people, caught in the crossfire between the two sides, have been ground to death by the thousands in recent months.

These developments have only served to strengthen my conviction of months ago that we must find a way to end this war. I believe that involves continuing the bombing pause. I believe it involves consolidating the line militarily, while pushing in every possible way for a peaceful settlement. I know that is going to be difficult, painful, and may not produce an entirely happy outcome. But the alternative, as the Mansfield report makes perfectly clear, is a larger and bloodier war, which I think is sheer madness.

During my tour of Vietnam I visited, among other installations, a large American airbase. At one point the driver made a mistaken turn, and we found our car blocked by a large flatbed truck. As I remember, there were several other trucks waiting to pull into the road behind it. As we sat there, I noticed that the truck carried a long row of silent coffins, each one bearing the address in the United States of a fallen soldier: a sergeant from Oklahoma, a captain from Minnesota, a marine corporal from Tennessee, a major from Connecticut, with all those different names that make up the United States—Scandanavian, Irish, German, Czech.

I sat there momentarily looking at those coffins glistening silently in the sun, and I thought what a tragic waste of young life and laughter and love. The day before I visited a hopelessly overcrowded civilian hospital in Da Nang with all its torn victims of the war—children with their legs and arms torn from their bodies by the bombing attacks; old men, mothers and infants, blasted and burned by napalm jelly, some mutilated almost beyond recognition—all of them watching us silently, without a murmur and without a sound, as we moved around from bed to bed in that overcrowded hospital.

I wondered then, as I did while we waited before that truck carrying the bodies of American soldiers, have I done my part as a Senator to prevent this from happening? Have I spoken out honestly and courageously enough? What more can I do as a citizen and as a Senator to help move mankind toward a better solution of our differences than this?

The last time I was so deeply moved by the tragedy of senseless violence was when I stood in Arlington Cemetery in November of 1963 and saw a gallant young President laid to rest. Recall his words:

So let us begin anew—remembering on both sides that civility is not a sign of weakness, and sincerity is always subject to proof. Let us never negotiate out of fear. But let us never fear to negotiate.

In what I personally regard as his greatest speech, the American University speech of June 10, 1963, which opened the way for the nuclear test ban treaty, he cited that ancient Biblical promise, "When a man's ways please the Lord, he maketh even his enemies to be at peace with him." I believe we share his resolution that "We shall do our part to build a world of peace where the weak are safe and the strong are just. We are not helpless before that task or hopeless of its success. Confident and unafraid," he said, "we labor on—not toward a strategy of annihilation but toward a strategy of peace."

That, I believe, is the deepest desire of our great President, Lyndon Johnson, of Vice President HUMPHREY whose every instinct reaches out for peace, and of Secretary Rusk and Secretary McNamara, with whom I happen to disagree on some of their recommendations, but who have for years sacrificed every ounce of their energy of mind and body to their country for what they believed was the national interest. That is the desire, too, of Ambassador Goldberg and Averell Harriman and our other leaders. The cause of peace is the most urgent heartthrob of every American mother and father. It is the wistful hope of our young men—of their wives and girl friends. I believe it is the most profound longing of a war-weary world.

Our President said in his superb state of the Union address a few days ago: "I will try to end this battle and return our sons to their desires."

I have the faith to believe that however difficult the task, President Johnson has the will and the capacity to achieve this purpose, and achieving it, to win that high place in history—that blessing of immortality reserved for those who make peace among men and nations.

Mr. CLARK. Mr. President, will the Senator from South Dakota yield?

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. McGOVERN. I yield.

Mr. CLARK. I congratulate the Senator from South Dakota on a brilliant, carefully logical, and, to my way of thinking, irrefutable approach to the difficult problem which confronts us in Vietnam.

This is a speech which is not only beautifully organized from a logical and persuasive point of view, but it is also an eloquent speech, with a clear understanding of the human values involved in the useless and largely unnecessary slaughter which is presently going on in Vietnam.

I congratulate the Senator. I wish I had the ability to write a similar analysis of our problems today and to suggest an equally cogent and reasonable solution.

Let me say to the Senator that he need have no fear that he has not done his part as a Senator to keep these tragic events from continuing to happen. He certainly has spoken out, honestly and courageously. I would hope that every one of his 99 colleagues would read his speech and ask themselves the same question I asked myself as the Senator was speaking: Have I done my part as a Senator to keep this slaughter from continuing? Have I spoke out honestly and courageously enough? Do I believe in this war to total victory in the jungles of southeast Asia, and, if so, why?

I certainly feel, as does the Senator, that it would be a tragic mistake to start the bombing of North Vietnam again, until such time as it is clear beyond peradventure that there is no reasonable hope we can end this useless, tragic slaughter either by moving the war from the battlefield to the negotiating table, or, in the alternative, to a mutual but unilateral de-escalation as a result of which the shooting will slowly but surely stop, as it did in Malaya some years ago, the Senator will recall.

If the Senator will permit me, I should like to make a few comments and then ask him to observe whether he would agree with them or not.

I have seen in the newspapers that of some 2,600 villages in South Vietnam, the South Vietnamese Government, and ourselves control a mere 700. I have seen maps—as I am sure the Senator has, too—which show the minimal amount of real estate which is still, 24 hours a day, under the control of the South Vietnamese Army or of the American Army

I have seen three little enclaves which are held by our side in the middle of the country, in the northern part of South Vietnam, enclaves which to my untutored gaze—although I served in World War II for 4 years—are potential Dienbienphus.

I do not believe that we control all of the coastline. I believe the maps show that we control only the major portion. I was told by two members of the Mansfield committee the other day—and I am sure there is nothing secret about this—that when the senatorial airplane took off from the Saigon airport to leave the country, the Vietcong had to be chased

off the runway with napalm bombs. I have been told that the Vietcong are within 3 miles of the perimeter of Saigon, that most of the food that the people of Saigon eat has already had a tax levied upon it by the Vietcong, that the highways could be cut and interdicted at any time, and that 80 percent of the members serving in the Vietcong army were born and brought up in South Vietnam, although they may have temporarily gone to the north and then come back.

I have been told that access to the city of Saigon from the sea by water is a channel only one ship wide, that there are 35 ships awaiting to be unloaded in that harbor, that only one ship can get in at a time, that in darkness the waterway could be cut, in all likelihood, by sinking one or two junks across it any time the Vietcong wish to do so, that the huge oil supplies necessary for the use of our Air Force and the South Vietnamese Air Force are in constant jeopardy from sabotage and attack, being located, as they are, in the area of Saigon, and that the only reason the Vietcong do not render Saigon untenable is that we have not bombed Hanoi, that actually one capital city stands as hostage for the other.

I wonder whether the Senator from South Dakota has similar information, and what comments he may care to make on what I have just said.

Mr. McGOVERN. Before I comment on the Senator's questions, which are certainly pertinent and go to the heart of some of the realities we face, I thank him for the kind words he just spoke about my remarks on the Senate floor this afternoon. As he knows, we have been in agreement on this issue, for the most part, for many months. I have felt that the Senator from Pennsylvania has spoken out as clearly, as forcefully, and as courageously on this issue, and, perhaps more important, as accurately, as any Member of the Senate. So to have his statement here in the RECORD reinforcing what I have tried to say makes me all the more confident of my position. I am very grateful to him.

With regard to the points he has made respecting the military situation that faces us in Vietnam, I do not feel in a position to comment with any great technical knowledge about that, but I do agree with the Senator that it is a very discouraging prospect. I do not think our own military people in South Vietnam are under any illusions about what they are up against. We have highly competent military officers in Vietnam. They have made clear, from General Westmoreland on down, a military victory would require an enormous increase in American forces.

The French military effort ended with a disastrous defeat at Dien Bien Phu some 12 years ago in spite of the fact that they had committed a land force of something over 400,000 men. That is twice the number we have now committed to this conflict.

So I do not blame our military people for asking for reinforcements. I think they realize, as the Senator from Pennsylvania does, that they are up against a dangerous situation.

I do question the policy assumptions that have led us into this situation in Vietnam and the military mission we have asked our forces to undertake.

Mr. CLARK. I share the Senator's concern. I would hope the Commander in Chief of our Armed Forces, the President of the United States, would redefine for us our diplomatic and military policies in Vietnam, and just what our military and diplomatic objectives are.

I am as concerned as is the Senator from South Dakota at the escalation of the war and having our American boys hunting through elephant grass to look for the elusive Vietcong. As Walter Lippmann said some time ago, what we are doing there is very much like trying to punch water. As soon as one pulls out his arm, the water comes back, and often spills over him.

The policy which the Senator from South Dakota has advocated is to fight a defensive war at our strongpoints—I would hope with our backs to the sea—while we proceed in an honorable way to try to persuade the Communists and others in South Vietnam who are not Communists—and there are many of those—that we are not going to leave until there is an honorable peace that will include free elections by the people of South Vietnam to select those they want to govern them.

What concerns me is what appears to be a tug of war between various highly located persons in the executive and administrative arms of our Government. For example, I read this in the newspapers. I did not acquire this information through access to any classified document. It was stated that General Westmoreland and Ambassador Lodge are really opposed to negotiating at this point because they believe the military situation is too unfortunate from our point of view to enable us to get a satisfactory settlement.

The map to which I referred gives graphic evidence that the question involved is how many Americans we are prepared to have killed in order to improve the military situation. I for one do not want a single American killed to reclaim useless jungle land in South Vietnam.

Although I expressed it more explosively than did the Senator from South Dakota, I wonder if he would comment on my statement.

Mr. McGOVERN. I think the Senator's point is well taken. If we had some assurance that after prodigious military effort on our part we would have created conditions that would permit democracy to flourish in South Vietnam, perhaps some argument could be made that the effort would be worthwhile. We have no such assurance. What we do have is some indication that the more we try to attack the Vietcong forces by military means, the more we terrorize and destroy the civilian population with which they are intermingled.

One of the reporters who has been over there for some time and who has been watching our efforts to destroy the Vietcong forces in the villages and jungles has suggested that the attacks we are making would make more sense if we were fighting an enemy rather than an ally. What he meant was that when we bomb a village or area controlled by the Vietcong guerrillas, or when we shell those areas or spray them with machinegun bullets, or destroy their crops we are destroying and alienating the civilian population, whose aid we will need if we are to attain our objective.

Mr. CLARK. And to continue these tactics makes the result almost inevitable that we will lose any election which we may prearrange.

Mr. McGOVERN. That is my own judgment. I have tried to read the history of what happened when the French were involved against the Vietcong from 1945 to about 1954. A number of people who have written about that struggle have said that one of the most frequently used tactics of the Vietcong—which were then called the Vietminh—was to put up a flag in a village friendly to the French Government, or to take a pot shot at a French airplane. The French would then bomb that village or area—thereby losing the support of the people, and another area would go to the Communist side. It seems to me there is a danger of our falling into the same trap.

Mr. CLARK. One factor which no amount of acceleration of the war or increase in American aid is going to change is that it is impossible to tell foe from friend. They all look exactly alike. A friend of mine, a Pennsylvanian, a great statesman, an eminent politician, said that it was like things were during the troubles over the Irish Republic. One Irishman looked exactly like another. During the day they would say, "Three cheers for Great Britain," and as soon as dark fell, they would go out and shoot the British troops. It is difficult to distinguish friend from foe. While the clothes and the climate and the location are different, there is an analogy to any guerrilla warfare where forces try to do things that the people do not want them to do.

I will ask the Senator to comment on two more points.

First. I was under the view until recently that this was not our war, but that it was a war which involved the people of South Vietnam; but that it had been our policy to send them technical assistance and support. My recollection is that at the end of 1963 we had 10,000 men there. The next year it increased to 34,000, and we now have some 200,000 there. The President has sent to us an appropriation request to enable him to increase the number of our military forces by more than 100,000, with the implication that some of these additional forces will also go to Vietnam.

I wonder whether the Senator from South Dakota agrees with my view that there should be a full debate in some depth on the floor of the Senate before we agree to the requested appropriation. Certainly we should not be parties to a unanimous consent which would enable the request to be rushed through in 5 hours, as the request for $700 million was rushed through last year.

I would hope that the Armed Services Committee and the Appropriations Committee would ask searching questions of

Secretary of Defense McNamara and the Joint Chiefs of Staff as to what they plan to do with the money. Are they committed to escalate the war or not?

I do not wish to put the Senator from South Dakota in an invidious position, nor do I desire to indicate that I shall vote against the request.

Does the Senator believe that the time has come for debate with respect to the Vietnamese policy?

Mr. McGOVERN. I welcome the opportunity to comment on that question. The Senator is not putting me on the spot.

I believe that one of the unfortunate aspects of our South Vietnam involvement is that there has been so little searching and thoughtful debate either in committee or on the floor of the Senate.

As I indicated in my remarks earlier, we did not make any commitment originally to fight a war on behalf of South Vietnam or anyone else. What President Eisenhower said in October 1954, when he made the first American offer of assistance to South Vietnam, was that we would make available a modest amount of economic aid, provided the government in Saigon would carry out some desperately needed political and social reforms. Those reforms were never carried out. We were absolved at that point, with respect to the offers of economic assistance.

We maintained for the next 10 years, that this was not our war; that this was basically a struggle to be resolved by the people of South Vietnam.

President Kennedy said in a press conference in September 1963, a few months before he was killed, that in the final analysis this was their war; that they were the ones who must win or lose it. He said that we can send men there as advisers and offer a certain amount of equipment, but we cannot win a war for freedom for other people. This is a struggle they have to win for themselves.

I believe that it is disastrous from the standpoint of our own interests and the interests of the people of South Vietnam for us to try to impose a military and political solution in that part of the world from the outside.

I agree with the Senator from Pennsylvania in his hope that one day elections can be held, hopefully under international supervision. I do not believe that it necessarily follows that the elections would go against our interests.

I do not know what the outcome would be. But if arrangements could be made for honest elections under international supervision, we ought to abide by the result, even though we do not like the government that might emerge.

We found in Eastern and Central Europe, that when a country like Yugoslavia took on a Communist government, the world did not come to an end.

If we did not have problems with other countries any more serious than the problems we have with Yugoslavia, we could celebrate with joy. It is not fatal to American security when an election does not come out as I would like to see it come out. We can continue to exert influence in various ways as we have in Eastern Europe and even in our relations with the Soviet Union.

Mr. CLARK. I congratulate my friend from South Dakota for the fine address he made. I associate myself with his recommendations.

I hope that our beloved friend, the chairman of the Armed Services Committee, and the President, who I understand announced this afternoon that bombing would resume at the end of the new year holiday, will take a hard look at the recommendations of Omar Bradley, Ridgway, MacArthur, and Gavin and have second thoughts as to the desirability of accelerating this war.

I thank the Senator.

Mr. McGOVERN. I thank the Senator from Pennsylvania.

Mr. President, I ask unanimous consent that the text of my NBC interview with Sander Vanocur of January 5, 1966; a press release of that date; and a New York Times article, written by E. W. Kenworthy, published on January 6, 1966, be printed in the RECORD at this point.

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

SENATOR GEORGE MCGOVERN

Mr. MERRILL MUELLER. Congress reassembles next week, and it's expected that sometime in the next 2 months there will be a debate on our future course in Vietnam. Since Congress adjourned last fall, many legislators went to Vietnam for a firsthand look at the war, its causes and its effects. Their voices will be heard when the debate takes place.

One Senator who has been over there, GEORGE MCGOVERN, Democrat, of South Dakota, is in our Washington studio this morning with "Today Show" Correspondent Sander Vanocur. Sandy?

Mr. SANDER VANOCUR. Thank you, Merrill. Senator MCGOVERN, what is the future for the United States in Vietnam, after you've been there and taken a look for yourself?

Senator GEORGE MCGOVERN. Well, Sandy, I think the best we can hope for is a negotiated settlement. I don't see how either the other side or our side can score a decisive military victory. We have a truly superb group of military men fighting in Vietnam. I don't think this country has ever assembled a more capable, better trained, more dedicated or more ably led group of fighting forces than the men that we have in Vietnam, but they're up against enormous and, I think, overwhelming odds, because of the terrain of that country, because most of natural advantages are with the Vietcong; they're so elusive, they're so intermingled with the civilian population, which supposedly we're trying to win over to our side, that if we were to destroy the Vietcong, we'd have to destroy a large part of the civilian population in the process.

So it seems to me that the most practical goal that we can hope for is to hold the line, and then press very hard, which I think we're now doing, for some kind of a peaceful settlement.

Mr. VANOCUR. Well, Senator, as a former distinguished bomber pilot in World War II, one of your objectives was to talk to the bomber pilots in Vietnam. Did you get any impression that the bombings had done what they were supposed to do when they were started last winter?

Senator MCGOVERN. Well, I'm not sure that I know what all the objectives of the bombing policy have been. If those attacks were designed to stop the flow of manpower from North Vietnam into South Vietnam, they've failed, because we have many more men from the North fighting on behalf of the Vietcong in the South today than we did when the bombing attacks started last February. If the bombing was designed to encourage North Vietnam to come to the negotiating table, I'm not sure that that has been achieved; it may be that it had just the opposite effect, that it tended to produce a more rigid situation than what might otherwise have been the case.

But what disturbs me most of all is that no matter how careful our pilots are about the bombing attacks—and these are truly superb pilots—in a situation like this, you're bound to kill many innocent civilians. I'm talking now, not about the bombing in the north, but in the south, where supposedly the people or at least a large percentage of them are on our side. I was told that we exercise great caution in bombing villages and hamlets, but nevertheless, while I was there, in visiting the civilian hospitals in South Vietnam, I found them crowded with bombing victims, with little children with their legs, arms blown off; men, women and children with their faces and their bodies horribly burned and scarred with napalm bombs; those things, it seems to me, are inevitable in bombing attacks of this kind.

Mr. VANOCUR. But Senator, how can you possibly come to negotiations now, given the present attitude of the north and the National Liberation Front?

Senator MCGOVERN. Well, I think it's going to be difficult to get the other side to the conference table, but I don't think the differences that have been spelled out, either by them or by our leaders, are insurmountable. Now, as I understand it, both sides have given some rather strong indications that the terms of the original Geneva settlement, going back to 1954, are for the most part acceptable. We may have some difference of opinion as to how those Geneva terms should be interpreted. My understanding is that the other side is saying that there must not only be an eventual troop withdrawal, which we have accepted on principle; there also must be a coalition government formed in South Vietnam on a provisional basis until elections can be held, and that the Vietcong, or the National Liberation Front, would have to be a part of any such coalition government.

I think those are negotiable terms. We don't have to accept everything that has been proposed by the other side, but at least I think we could go into the conference room willing to discuss a settlement, pretty much along the lines of the original Geneva accord.

Mr. VANOCUR. But sir, the four points of Pham Van Dong, of April 8, the North Vietnamese premier, said on the third point that they had to accept the program of the National Liberation Front. Now, are you suggesting that we have to accept the National Liberation Front's program, or a coalition government?

Senator MCGOVERN. Well, as Secretary Rusk has said, their position is somewhat ambiguous. It's not entirely clear just what they mean by the program of the National Liberation Front, and of course, that's the purpose of negotiations, to clear up the ambiguities and the uncertainties in the positions offered by the two sides. For my own part, I don't see how we can hope, realistically, to exclude the National Liberation Front entirely from the postwar settlement. After all, whether we like it or not—and of course we don't like it—they control probably two-thirds of the terrain in South Vietnam, and they control somewhere between a third and perhaps as much as a half of the people, and so a force of that kind is going to have to be given consideration, both in the negotiations and in the eventual settlement.

Mr. VANOCUR. Well, what are you going to do about people like Premier Ky in South Vietnam, who now seem to want to fight on to the end?

Senator McGOVERN. Well, I think that's one of the principal flaws, perhaps the basic flaw in our current negotiating effort and in previous efforts, is that those efforts have excluded the two primary antagonists in this struggle, and that's General Ky's government in Saigon and the National Liberation Front, the Vietcong guerrillas, the Vietcong rebels, whatever you want to call them.

Now, this war began in South Vietnam as a struggle between the government which we were backing in Saigon and another group of South Vietnamese that have formed under the National Liberation Front, which does not accept the government that we've been supporting. It was basically a civil and local conflict. So, I think we could greatly improve the chances for success in our current negotiating efforts, if those efforts included General Ky, or whoever happens to be in power in Saigon when negotiations get under way, and the National Liberation Front.

For us to insist that we can't have any dealings with the Vietcong, with the so-called National Liberation Front, would have its parallel, it seems to me, if 200 years ago, King George had said to the American Revolutionists or to George Washington, we'll talk to the French but we're not going to talk to Washington and the American rebels. Sooner or later, these two primary contestants to this struggle have to be brought into the negotiations.

Mr. VANOCUR. Well, Senator, if the present peace offensive does not bear public results, would you be in favor of resuming the bombings and taking the offensive again once more in the field?

Senator McGOVERN. No; I would not. I don't think it's in our interest to renew the bombing attacks or to spread this war in any way. I think we may have reached a situation of stalemate, whereby neither side can score a decisive victory. I've been trying to think of some analogy to the military and political situation that confronts us there, and the other day I—it occurred to me that it's very much like putting a bumblebee in a cage with an elephant. We have the power of the elephant—we have the air power, we have naval power, we have great power on the ground, great firepower, and we're not going to be pushed out of Vietnam; I don't see any way by which the other side can push us out militarily. But by the same token, they're in the role of the bumblebee. They can continue to harass and to sting and to draw blood, but they can't push us out. If we could catch them—if we could find them, and bring that firepower to bear on the Vietcong guerrillas, we could quickly stamp them out, but it doesn't seem that that's about to happen.

Well, I hope we'll take advantage of what I think is approaching, a stalemate, not to spread the war, not to start bombing North Vietnam or bombing Cambodia or bombing other countries in the area, but try to localize this struggle and hold it down to the battleground in South Vietnam, and I think the President was very wise in the bombing pause; I hope it'll be more than just a very brief pause.

Mr. VANOCUR. Senator, one last question. If this does not work out the way you would like it to, and more money is asked by the administration to support a wider war, what is going to be your position in the U.S. Senate?

Senator McGOVERN. Well, I'm not sure how I'll respond to that. I think as long as we have forces committed to Vietnam, we have to see that they're well equipped and that they have the resources that they need, but that's a decision I'll have to face up to when we're confronted with it.

Mr. VANOCUR. Thank you very, very much Senator GEORGE McGOVERN, Democrat, of South Dakota, who was out in Vietnam in November and early December, and who will be one of the voices heard in the forthcoming debate on Vietnam in the Congress.

Mr. MUELLER. Thank you, Senator, and thank you, Sander Vanocur, Today's Washington correspondent.

[From the New York Times, Jan. 6, 1966]

A VIETCONG PLACE AT PARLEY URGED—McGOVERN WANTS SAIGON AT PEACE TALKS ALSO

(By E. W. Kenworthy)

WASHINGTON, January 5.—Senator GEORGE McGOVERN said today the "basic weakness" in U.S. efforts to negotiate a Vietnam settlement was the exclusion of the primary antagonists—the South Vietnamese Government and the rebel National Liberation Front.

The South Dakota Democrat, who recently returned from a week in South Vietnam, said:

"This war began as a local conflict in South Vietnam and that is still the primary battleground, no matter how many major powers feel called upon to gamble their national honor on Premier Nguyen Cao Ky of South Vietnam or Ho Chi Minh, President of North Vietnam."

Since the fundamental issue in the war is the political question which group will exercise power in South Vietnam, Senator McGOVERN said in a statement, "the negotiations ought to be primarily between the two competing groups in South Vietnam."

SENATOR CHURCH AGREES

Mr. McGOVERN's views are shared by several Senators who have been critical of the escalation of the war.

One of these, Senator FRANK CHURCH, Democrat, of Idaho, said in an interview that Senator McGOVERN's proposal "makes sense."

"The United States can back Saigon at the negotiating table as Hanoi can back the Vietcong," Mr. CHURCH said, "but neither the American Government nor the Government of North Vietnam can end a revolution in South Vietnam without the participation and consent of those who engaged in it."

President Johnson has said that "the Vietcong would not have difficulty being represented (in negotiations) and having their views represented."

Presumably he meant by this that representatives of the National Liberation Front, of which the Vietcong is the military arm, could be included in North Vietnam's delegation.

The United States has refused to deal directly with the National Liberation Front, to assure it a place in a future South Vietnamese Government or to recognize its military hold on roughly one-third of South Vietnam.

One of North Vietnam's conditions for peace is that the Liberation Front have a role in any new government before elections are held in South Vietnam. Washington finds this condition unacceptable.

As for Premier Ky, he has set his face against any negotiations.

MOVE TO END IMPASSE URGED

Senator McGOVERN sought today to cut through all these entrenched positions by asking all the parties to face up to the realities of the situation.

"It makes no sense at all," he said in a statement, "for us to try to bomb North Vietnam into negotiations or to talk them into negotiations unless our South Vietnamese allies and the rebel forces in South Vietnam are ready to negotiate a settlement."

"The most logical way for the South Vietnamese Government leaders to assist in ending the war would be to explore the possible basis for a settlement with their fellow Vietnamese in the National Liberation Front."

The Liberation Front leaders, he said, are "determined proud men," who could be expected not to let Moscow, Peiping, or Hanoi do their negotiating for them. On the other hand, he said, they could not be expected to accept a settlement that did not give them "a proportionate share in the postwar government."

Senator McGOVERN had previously urged a halt to U.S. bombing of North Vietnam and a negotiated settlement of the war. His statement today indicated that the pause in the bombing and efforts to start negotiations had not convinced him that the United States was doing enough to obtain peace.

Senator EDMUND S. MUSKIE, Democrat, of Maine, who accompanied Senator MIKE MANSFIELD, the Democratic leader of the Senate, on a globe-circling trip that included Vietnam, did not agree with Mr. McGOVERN's recommendations. Reached by telephone, he said he doubted whether the National Liberation Front was independent of North Vietnamese control.

Senator RICHARD B. RUSSELL, Democrat, of Georgia, and chairman of the Armed Services Committee, said in an interview that the pause in the air bombing of North Vietnam had gone on too long.

STATEMENT BY SENATOR GEORGE McGOVERN, DEMOCRAT, OF SOUTH DAKOTA

(NOTE.—Senator GEORGE McGOVERN, a member of the Committees on Agriculture and Interior and former Director of the U.S. food for peace program (1961–62) visited Vietnam in early December.)

A basic weakness in the current efforts to negotiate a settlement of the Vietnamese war is that those efforts seem to have excluded the two primary antagonists in the struggle—the South Vietnamese Government in Saigon and the National Liberation Front of the Vietcong rebel forces.

I appreciate President Johnson's great desire to end the war. But the chances of negotiations taking place could be greatly improved if the two principal contestants were involved in the negotiating effort.

The fundamental issue at stake in this war is a local political question as to which group will come to power in South Vietnam. I doubt that an issue of that kind will be resolved by military forces from the outside.

But negotiations should include the two competing groups in South Vietnam—the Vietcong National Liberation Front and General Ky or whoever happens to be in power in Saigon when the negotiations begin.

It makes no sense at all for us to try to bomb North Vietnam into negotiations or to talk them into negotiations unless our South Vietnamese ally and the rebel forces in South Vietnam are ready to negotiate a settlement.

It is disturbing that while President Johnson has been trying to get negotiations started, General Ky, our South Vietnamese ally, has expressed his opposition to negotiations.

The most logical way for the South Vietnamese Government leaders to assist in ending the war would be to explore the possible basis for a settlement with their fellow Vietnamese in the National Liberation Front.

This war began as a local conflict in South Vietnam and that is still the primary battleground no matter how many major powers feel called upon to gamble their national honor on General Ky or Uncle Ho.

It will be difficult, if not impossible, to end the war without discussions with the Vietcong rebel leaders as well as Hanoi and Saigon.

The rebels control two-thirds of South Vietnam and their leadership front embraces a broad cross section including many non-Communists. They cannot be expected to permit Moscow, Peiping, Hanoi or anyone else to do their negotiating for them.

Nor can they be expected to accept any settlement that does not give them a reasonable opportunity to share in the postwar government—a government which ultimately

should be determined by the Vietnamese people in an honorably supervised election.

Refusing to negotiate with the rebel front would have its parallel if King George III had expressed a willingness to negotiate with France while refusing to talk with George Washington and his rebel forces.

The most realistic way to achieve a settlement between Saigon and the local rebel forces, is for the outside powers to begin reducing their involvement on a reciprocal basis so that the struggle can be confined to a local rather than a global struggle.

President Johnson took a long stride toward localizing the war when he stopped the bombing of North Vietnam. Let us hope that our commanders will not be so foolish as to extend the bombing to Cambodia or other countries. I believe that the Russians and the Chinese, while giving some assistance to Hanoi, have limited their interference in the struggle because, no matter how belligerently they talk, they know it is no more in their interest than in ours to blow this local issue into a global war. The major powers ought to search for every possible way of confining the struggle to South Vietnam. There is no issue there that can possibly be of enough importance to justify a major war between the great powers.

Indeed, for the United States and the other major powers to waste their resources and their young men in a global slaughter over who is to be in charge in Saigon would be to create the conditions of chaos out of which could come a hundred Vietnam tragedies to curse our children for all their days.

Mr. McGOVERN. Mr. President, I yield the floor.

READING OF WASHINGTON'S FAREWELL ADDRESS

The VICE PRESIDENT. Pursuant to the order of the Senate of January 24, 1901, the Chair appoints the Senator from Montana [Mr. METCALF] to read Washington's Farewell Address on February 22 next. It is the understanding of the Chair that the Senator from Montana [Mr. METCALF] will be the only man who has read this famous address in both the House and the Senate.

PARLIAMENTARY CONFERENCE WITH MEXICO

The VICE PRESIDENT. The Chair announces the appointment of the following Senators to attend the Mexico-United States Interparliamentary meetings to be held February 9 through 16, 1966, at Washington, Philadelphia, and San Francisco: Senators MANSFIELD, GRUENING, METCALF, NELSON, MONTOYA, KUCHEL, FANNIN, and MURPHY.

These Senators will serve along with Senator SPARKMAN, who is the chairman of the delegation, and Senators MORSE, GORE, and AIKEN. The last four mentioned Senators will serve for the full Congress.

ADJOURNMENT UNTIL MONDAY

Mr. GORE. Mr. President, I move, in accordance with the previous order, that the Senate adjourn until 12 o'clock noon, on Monday next.

The motion was agreed to; and (at 5 o'clock and 50 minutes) the Senate adjourned, under the previous order, until Monday, January 24, 1966, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 20, 1966:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

William Gorham, of the District of Columbia, to be an Assistant Secretary of Health, Education, and Welfare, to which office he was appointed during the last recess of the Senate.

U.S. TARIFF COMMISSION

Paul Kaplowitz, of the District of Columbia, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1967.

HOUSE OF REPRESENTATIVES

THURSDAY, JANUARY 20, 1966

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., used this verse of Scripture: *Thy hands have made me and fashioned me; give me understanding that I may learn Thy commandments.*

Eternal God, who art the help and hope in the thought and work of our days, be Thou our joy and consolation as we bring to Thee the nameless needs of our minds and hearts.

Keep us strong and steadfast as we bow in weakness, in sorrow, in temptation, in depression of soul and open to us the word of truth and break to us the bread of life.

Grant that in following Thee we may find the highest wisdom, the deepest delight, the sum of the duty and discipline of life, the ideal of its dedication, however complete and compelling its demands may be.

May the witness and testimony which we give to life be one of lofty faith, heroic character, and fruitful service and all for Thy glory in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 767. Joint resolution authorizing the President to proclaim National Ski Week.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 30. An act to provide for participation of the United States in the Inter-American Cultural and Trade Center in Dade County, Fla., and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1446. An act to reserve certain public lands for a National Wild Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes.

FOUR-YEAR TERM FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES

Mr. CORMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CORMAN. Mr. Speaker, there is a clear and pressing need for an amendment to the Constitution extending the terms of Members of the House of Representatives from 2 to 4 years.

It is true that the original purpose of limiting the term of Representatives to 2 years was to keep them close to the people and assure responsiveness to the people's will. It was felt that if a Representative failed to measure up to what was expected of him, 2 years in office were enough.

The 2-year limitation, however, cuts both ways, and on balance I think that today it does far more harm than good.

As we all know from our own experience, it takes time for the House to be reorganized at the beginning of a session. It takes time for even a highly qualified freshman Member to learn the ropes if he is to contribute to the work of Congress and the needs of his constituents. Yet, whether he is new or a veteran, every Congressman must immediately begin giving extended thought and time to his next campaign. And he must be prepared to spend a considerable amount of time at home, even during a legislative session.

Such conditions are scarcely conducive for a Member to do his best work on matters before the Congress.

When the Nation was founded, economic and social conditions were relatively uncomplicated. Today, legislation requires careful study and a high degree of skill in drafting legislation, writing reports, and conducting hearings. In an age marked by continuing crisis, 2 years is barely time enough to learn the job. The time has come to extend the term of Representatives to 4 years.

It is my opinion, also, that, if any elections are to be eliminated, it should be the off-year elections. The election of a President and the Members of the House for a concurrent term of 4 years, as President Johnson proposes, will help to insure that the mandate of the people is carried out by the new administration.

I urge the adoption of this amendment in the form suggested by the President.

AIRLIFT OF MAIL FOR U.S. PERSONNEL OVERSEAS

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to address the House