You have seen the sources and effects of environmental pollution, but remember that there is only one cause . . . man. We must now apply man's maximum intellect and distill from our past knowledge and future insight the profound answers.

We need gifted specialists in cell biology to study metabolic pathways, structure distortment, interaction between enzymes and many other deep and challenging biochemical problems.

We need microbiologists to penetrate the structure of pollutants, to study how they are metabolized by organisms; why some resist biodegradation and others survive in seemingly impossible environments.

We need population dynamics, studies and much investigation in the behavioral sciences, for pollution would not exist except for man's activities and it concerns almost the entire range of interactions between human beings and their environment. Although all living creatures are affected by pollution, only man has the ability to control or eliminate it. Sociologists, economists, urban and regional planners, psychologists, anthropologists, communications experts and political scientists of the highest calibre must invest their talents to this field.

Atmospheric problems must be analyzed by meteorologists, hydrologists and systems analysts. Great challenges and fascinating problems await gifted engineers. New processes and new designs for sewage treatment plants, new principles for collection systems, design of water storage and distribution systems are but a few.

And to attract these people, we must provide excellent research environments—such as are provided by Cornell Aeronautical Laboratory—and specific research opportunities. We must create dynamic exchanges between the many fields of study to integrate and unify our knowledge.

Lest it be overlooked, let me emphasize that substantial research funds—from the federal and state levels—are already available and programs are in motion. But we must press forward

We must also press forward with our program to halt the pollution of Lake Erie. The Federal Government set April 12 for formulating state-by-state plans to clean up the lake. By that date, New York, Pennsylvania, Ohio, and Michigan were to inform the Federal Water Pollution Control Administration of what they proposed to do with respect to pollution originating within their boundaries.

We substantially increased the amount of public funds available to fight water pollution last year. This year I am pressing for still more funds for this vital purpose.

WHY AM I INTERESTED?

My own concern in these emerging problems began with a love affair. As a little boy from the city, no delight was above that of launching stick ships into the blue waters of Lake Erie. As a man, the lake and its chaste vastness holds my reverence and is my source of solitude and contemplation.

My commitment to the lake was one of the influences that compelled me to make a difficult decision two years ago. As I watched her harbors fill with acids and slime, and her seasides become desecrated with raw sewage, I knew that I, as a private citizen must do something.

I left the business world and sought a seat in the United States Congress, which the voters graciously granted me. My hope was to be admitted to the Public Works Committee, and particularly to the Rivers and Harbors Subcommittee which writes the laws regarding water pollution.

I guess Lake Erie has a lady luck for those who care about her, because, though I was a freshman, I was granted membership in the Public Works Committee and was seated on the key Rivers and Harbors Subcommittee.

This was the beginning of my comprehensive education in the field of pollution. The hours of enlightened testimony by scientists in our Public Works hearings, my own investigations, and those of the Environmental Pollution Panel of the President's Science Advisory Committee, have revealed Lake Erie's problems to be but an urgent segment in our total confrontation of environmental pollution.

SENATE

WEDNESDAY, JUNE 15, 1966

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

Rev. Adolph Stasys, assistant pastor, Holy Cross Church, Chicago, Ill., offered the following prayer:

Father of all mankind, Thou art the Author of the right of man to justice and freedom. For centuries men have fought for freedom of speech, conscience, and religion, and for democratic principles. The efforts recorded in history tell of the unceasing struggle for these convictions.

Yesterday we honored the Old Glory proudly flying on National Flag Day. O Lord, bless the people of this land, its administration and its Congress, and the brave men defending the honor of their Nation's flag wherever they may be.

But, dear God, the Baltic States, Lithuania, Latvia, and Estonia, are still occupied by a foreign force, without the right to freedom, and without their national flags. These nations are observing the 25th tragic anniversary of frightful genocide, when the occupant—Communist Russia—deported hundreds of thousands of people from these countries to die in concentration camps in Siberia. Hundreds of thousands of Baltic peoples perished.

Our God, we pray to You for justice and compassion. Return the deportees to their homelands. Give them the fortitude to endure and restore to them and their countries their rights and freedom. Grant to statesmen of the world the grace and will to work for the liberation of all nations, for peace, and for integrity everywhere on earth.

God bless Lithuania, Latvia, and Estonia and their peoples.

God bless America. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, June 13, 1966, was dispensed with.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of June 13, 1966,

The Secretary of the Senate reported that, on June 13, 1966, he received messages in writing from the President of the United States submitting sundry nominations.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, received on June 13, which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of Monday, June 13, 1966,

The Secretary of the Senate received, on June 13, 1966, the following message from the House of Representatives:

That the House had passed, without amendment, the following joint resolutions of the Senate:

S.J. Res. 160. Joint resolution to designate the period beginning June 13, 1966, and ending June 19, 1966, as "Gas Industry Week"; and

S.J. Res. 161. Joint resolution to designate the third Sunday in June of each year as "Father's Day."

That the House had disagreed to the amendments of the Senate to the bill (H.R. 14266) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1967, and for other purposes; that the House had agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STEED, Mr. PASSMAN, Mr. ADDABBO, Mr. COHELAN, Mr. YATES, Mr. MAHON, Mr. CONTE, Mr. ROBISON, and Mr. BOW were appointed managers on the part of the House at the conference.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED JOINT RESOLUTIONS SIGNED

Under authority of the order of Monday, June 13, 1966,

The Secretary of the Senate, on June 14, 1966, received the following message from the House of Representatives:

That the Speaker had affixed his signature to the following enrolled joint resolutions, and they were signed by the Vice President:

S.J. Res. 160. Joint resolution to designate the period beginning June 13, 1966, and ending June 19, 1966, as "Gas Industry Week"; and

S.J. Res. 161. Joint resolution to designate the third Sunday in June 1966 as Father's Day."

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of June 13, 1966,

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The following reports of committees were submitted:

On June 13, 1966:

By Mr. HOLLAND, from the Committee on Agriculture and Forestry, without amendment:

H.R. 15124. An act to amend section 316 of the Agricultural Adjustment Act of 1938, as amended (Rept. No. 1271).

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, with amendments:

H.R. 12322. An act to enable cottongrowers to establish, finance, and carry out a coordinated program of research and promotion to improve the competitive position of, and to expand markets for, cotton (Rept. No. 1272).

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

S. 526. A bill to amend the authorization to appropriate money for the maintenance and operation of three experimental stations of the Department of the Interior, and for other purposes (Rept. No. 1273).

On June 14, 1966:

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, with amendments:

S. 112. A bill to authorize the Secretary of Agriculture to make real estate mortgage loans on leased lands in Hawaii (Rept. No. 1274).

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

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

On June 13, 1966:

S. 2267. An act to extend the provisions of title XIII of the Federal Aviation Act of 1958, relating to war risk insurance.

On June 14, 1966:

S. 1761. An act to authorize the Secretary of the Interior to construct, operate, and maintain a third powerplant at the Grand Coulee Dam, Columbia Basin project, Washington, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 2950) to authorize appropriations during the fiscal year 1967 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

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

H.R. 14019. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes; and

H.R.15225. An act to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority.

ENROLLED BILLS SIGNED

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

H.R. 1233. An act for the relief of Lee Chung Woo;

H.R. 2290. An act for the relief of Charlotte Schulz;

H.R. 3692. An act for the relief of William F. Kuhlman;

H.R. 3774. An act for the relief of Wanda Olszowa;

H.R. 5003. An act for the relief of Evangelia G. Latsis;

H.R. 5533. An act for the relief of Kuniki Nagano Zwiefelhofer;

H.R. 8219. An act for the relief of Cho Myung Soon and Cho Myung Hee;

H.R. 8833. An act for the relief of Sarah Antoinette Cappadona;

H.R. 9643. An act for the relief of Haider Raza and his wife, Irene Raza, and their children, Afzal Anthony and Haider Raymond Raza;

H.R. 10133. An act for the relief of Fritz A. Frerichs;

H.R. 10838. An act for the relief of certain employees of the Post Office Department at Eau Gallie, Fla.; and

H.R. 12396. An act for the relief of Elton P. Johnson.

HOUSE BILLS REFERRED

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

H.R. 14019. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes; to the Committee on Foreign Relations.

H.R. 15225. An act to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority; to the Committee on Public Works.

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.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry, the Subcommittee on Juvenile Delinquency of the Committee on the Judiciary, the Subcommittee on Constitutional Rights of the Committee on the Judiciary, the Subcommittee on Foreign Aid Expenditures of the Committee on Government Operations, and the Subcommittee on Air and Water Pollution of the Committee on Public Works be permitted to meet during the session of the Senate today.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar in sequence, beginning with Calendar No. 1237.

The VICE PRESIDENT. Without objection, it is so ordered. The clerk will state the first bill.

AMENDMENT TO THE AGRICULTURAL ADJUSTMENT ACT OF 1938

The bill (H.R. 15124) to amend section 316 of the Agricultural Adjustment Act of 1938, as amended, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1271), explaining the purposes of the bill.

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

This bill extends the time for filing tobacco allotment leases with the county committee until July 31 of each year. The lease would still have to be agreed upon prior to a closing date fixed by the Secretary. Only the filing time would be extended.

Tobacco allotment leasing was first provided for the 1962 crop by Public Law 87-200. Each year it has been found necessary to extend the time for filing leases with the county committee as follows:

Public Law 87-530.—Extended time for filing 1962 crop leases until within 20 days of July 10, 1962.

Public Law 88-80.—Extended time for filing 1963 crop leases until within 20 days of July 30, 1963.

Public Law 88-469.—Extended time for filing 1964 crop leases until within 20 days of August 20, 1964.

Public Law 89-29.—Extended time for filing 1965 crop leases until within 20 days of May 27, 1965.

These extensions have been needed each year to take care of oversights, mistakes, and misunderstandings which have resulted in late filings. The extensions have caused no difficulties and have prevented serious losses to producers who might otherwise have lost the advantage of their leases or been faced with marketing penalties on tobacco planted on the leased allotment. The program is a complex one and the committee feels that every effort should be made to prevent substantial losses from occurring as a result of failure to comply fully with technicalities of this nature. In order to avoid the necessity of legislating each year and the uncertainty arising therefrom, the bill would provide for the remaining 4 years for which leasing is authorized a definite period within which the lease may be filed following the final date upon which it must be entered into.

Hearings were held on this bill by the Committee on Agriculture of the House; and a spokesman for the Department of Agriculture testified in favor of the bill at that hearing.

The bill would not result in any additional cost to the Government.

BILL PASSED OVER

The bill (H.R. 12322) entitled "An act to enable cottongrowers to establish, finance, and carry out a coordinated program of research and promotion to improve the competitive position of, and to expand markets for, cotton," was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

ELIMINATION OF APPROPRIATION LIMITATION ON THREE BUREAU OF MINES STATIONS

The bill (S. 526) to amend the authorization to appropriate money for the maintenance and operation of three experimental stations of the Department of the Interior, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections 3 (b) of the Act of June 21, 1950 (64 Stat. 248; 30 U.S.C. 411, note), subsection 5(b) of the Act of March 25, 1948 (62 Stat. 85; 30 U.S.C. 401, note), and subsection 5(b) of the Act of December 18, 1942 (56 Stat. 1056; 30 U.S.C. 13, note), authorizing the appropriation of specified sums for the maintenance and operation of three experimental stations administered by the Bureau of Mines, Department of the Interior, at Reno, Nevada, Grand Forks, North Dakota, and Schuylkill Haven, Pennsylvania, respectively, are severally amended to read as follows:

"(b) such sums annually as are necessary for the maintenance and operation of the experimental station, including personal services, supplies, equipment, and expenses of travel and subsistence."

SEC. 2. Section 3 of the Act of March 25, 1948 (62 Stat. 85; 30 U.S.C. 403), relating to the submission of reports to the Congress, is hereby repealed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1273), explaining the purposes of the bill.

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

PURPOSE OF BILL

Enactment of S. 526 would eliminate limitations on the authorization for appropriations for maintenance and operation of three Bureau of Mines experimental stations that are inconsistent with authorization for other Bureau stations and which give rise to possible ambiguity. The three stations are the Rare and Precious Metals Laboratory at Reno, Nev.; the lignite research station at Grand Forks, N. Dak.; and the anthracite coal research facility at Schuylkill Haven, Pa.

The limitations are included in three separate acts of Congress passed during the period 1942 to 1950. They were intended to apply only to appropriations for plant maintenance and operation, as distinct from research and experimental programs, but the language of the provisions could give rise to interpretation that the limitation was intended to apply to both.

Furthermore, the limitations presuppose a situation in which specific appropriations are made for the individual stations. However, the appropriation process does not follow that pattern. The budget of the Bureau of Mines is submitted in terms of major activities, which are divided into subactivities. The items in such a request are justified and explained in terms of the programs which they are designed to carry out, without respect to the geographical location or the particular stations at which various phases of the work may be done. This procedure enables the Congress to consider on an integrated basis the program proposed by the Bureau of Mines.

In addition, section 2 of S. 526 would eliminate an annual reporting requirement of the lignite laboratory at Grand Forks which involves duplication and is considered no longer necessary. Such special, individual annual reports no longer are required from any other Bureau of Mines facility.

FARM REAL ESTATE LOANS ON LEASED LANDS IN HAWAII

The Senate proceeded to consider the bill (S. 112) to authorize the Secretary of Agriculture to make real estate mortgage loans on leased lands in Hawaii, which had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and insert:

That section 343 of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1991), is amended by striking the word "and" before the figure "(2)" in said section and by striking the period at the end thereof and inserting a comma and the following: "and (3) the term 'owner-operator' shall in the State of Hawaii include the lessee-operator of real property in any case in which the Secretary determines that the land cannot be acquired by the applicant, adequate security is provided for the loan, and there is a reasonable probability of accomplishing the objectives and repayment of the loan; *Provided*, That item (3) shall be applicable to lessee-operators of Hawaiian Homes Commission lands only when and to the extent that it is possible for such lessee-operators to meet the conditions therein set out."

The amendment was agreed to.

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

The title was amended, so as to read: "A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans by the Secretary of Agriculture on leasehold interests in Hawaii, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1274), explaining the purposes of the bill.

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

EXPLANATION OF BILL

This bill, with the committee amendment, would authorize the Secretary of Agriculture to make farm improvement loans under subtitle A of the Consolidated Farmers Home Administration Act of 1961 to lessee-operators of farmland in Hawaii where (1) the land cannot be acquired by the applicant; (2) adequate security is provided for the loan; and (3) there is a reasonable probability of accomplishing the objectives and repayment of the loan.

At present, real estate loans under subtitle A of that act (other than loans for land and water development, use, and conservation) are restricted to farmers who are or will become "owner-operators" of not larger than family farms. The bill would permit such loans to be made to "lessee-operators" in Hawaii in the circumstances outlined above. Operating and emergency loans, as well as land and water conservation and development loans, under the act are not now limited to owner-operators and are therefore now available to lessee-operators.

HEARINGS

Hearings were conducted by a subcommittee of the committee on May 6, 1965. The Department of Agriculture advised that it had no objection to general legislation authorizing loans to lessee-operators, but that it did not recommend legislation applicable only to Hawaii. The hearings indicated, however, that there was a real need for this authority in Hawaii, which did not exist elsewhere, and the committee therefore restricted it to Hawaii.

NEED FOR THE BILL

Hawaii has land problems unlike those of other States, since much of its land is subject to restraints on alienation and consequently is operated under long-term lease.

A little over a century ago all of the land in Hawaii was owned by the King. Under King Kamehameha III, who became King in 1833, the land was divided into three parts, with one-third being vested in the King, one-third in the chiefs, and one-third in the tenants. Later the King divided his share, making two-thirds public domain and one-third his private estate; and the chiefs divided their land. Certain of the public lands were designated as Hawaiian homelands and subjected to statutory restraints on alienation by the Hawaiian Homes Commission Act, 1920.

A large part of the remaining lands have been controlled by a few landlords for many years, and their sale would result in such high taxes on the proceeds as to make sale impracticable. Some of the lands are held in charitable trusts which prevent their alienation.

As a consequence of these restraints on alienation most land transactions in Hawaii involve the sale of leases. Hawaiian farmers in order to carry on their operations must, like other farmers, have adequate financing, and should have available to them the financing provided for farm improvement by Farmers Home Administration loans to the extent that such loans can safely be made on the security such farmers can provide. The bill would permit such loans. They would be authorized only where adequate security can be provided, where they can be repaid, and where the purpose of the loan can be accomplished.

As indicated in the attached letter of the Department of Agriculture, some amendment of the Hawaiian Homes Commission Act, 1920, may be necessary before adequate security can be provided for loans on Hawaiian homelands. Consequently, the committee amendment indicates that further action may be required before loans can be made on such lands.

COMMITTEE AMENDMENT

The committee amendment to the text of the bill does not change the purpose of the bill. It makes it clear that the loans would be made under subtitle A of the Consolidated Farmers Home Administration Act of 1961; and limits such loans to cases where the land cannot be acquired by the applicant there is adequate security and the loan will accomplish its purpose and be repaid. It also makes it clear that further action may be required before loans can be made on Hawaiian homelands. The amendment has been approved by the Governor and both Senators of Hawaii.

ENROLLED BILLS SIGNED

The VICE PRESIDENT announced that on Monday, June 13, 1966, the President pro tempore signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 2267. An act to extend the provisions of title XIII of the Federal Aviation Act of 1952, relating to war risk insurance; and

H.R. 15151. An act to permit the planting of alternate crops on acreage which is unplanted because of a natural disaster.

The VICE PRESIDENT announced that on Tuesday, June 14, 1966, the Vice President signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 1357. An act of revise existing bail practices in courts of the United States, and for other purposes;

H.R. 3177. An act to amend title 38, United States Code, to increase dependency and indemnity compensation in certain cases;

H.R. 3957. An act to authorize establishment of Fort Union Trading Post National Historic Site, N. Dak. and Mont., and for other purposes;

H.R. 5984. An act to amend sections 2275 and 2276 of the Revised Statutes, as amended, with respect to certain lands granted to the States;

H.R. 6646. An act to amend the Recreation and Public Purposes Act pertaining to the leasing of public lands to States and their political subdivisions;

H.R. 9961. An act to amend chapter 15 of title 38, United States Code, to provide that where a veteran receiving pension under this chapter disappears, the Administrator may pay the pension otherwise payable to the wife and children;

H.R. 10431. An act to declare that certain federally owned land is held by the United States in trust for the Minnesota Chippewa Tribe;

H.R. 11748. An act to amend section 111 of title 38, United States Code, to authorize the prepayment of certain expenses associated with the travel of veterans to or from a Veterans' Administration facility or other place, in connection with vocational rehabilitation or counseling, or for the purpose of examination, treatment, or care;

H.R. 12676. An act to amend the Tariff Schedules of the United States to provide that certain forms of copper be admitted free of duty;

H.R. 13366. An act to authorize the disposal of aluminum from the national stockpile;

H.R. 13768. An act to authorize the disposal of celestite from the supplemental stockpile;

H.R. 13769. An act to authorize the disposal of cordage fiber (sisal) from the national stockpile;

H.R. 13770. An act to authorize the disposal of crocidolite asbestos (harsh) from the supplemental stockpile; and

H.R. 13773. An act to authorize the disposal of opium from the national stockpile.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON TITLE I, PUBLIC LAW 480 AGREEMENTS

A letter from the Associate Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, a report on title I, Public Law 480 agreements, for the month of May, 1966 (with an accompanying report); to the Committee on Agriculture and Forestry.

AMENDMENT OF TITLE 10, UNITED STATES CODE, RELATING TO SPECIAL LEAVE FOR CERTAIN MEMBERS OF THE ARMED FORCES

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize a special 30-day period of leave for a member of a uniformed service who voluntarily extends his tour of duty in a hostile fire area (with an accompanying paper); to the Committee on Armed Services.

AMENDMENT OF INTERCOASTAL SHIPPING ACT OF 1933

A letter from the Chairman, Federal Maritime Commission, Washington, D.C., transmitting a draft of proposed legislation to amend Intercoastal Shipping Act of 1933 to provide for accounting at the expiration of a rate suspension (with accompanying papers); to the Committee on Commerce.

PUBLICATION ENTITLED "ECONOMIC REPORT ON MERGERS AND VERTICAL INTEGRATION IN THE CEMENT INDUSTRY"

A letter from the Chairman, Federal Trade Commission, Washington, D.C., transmitting, for the information of the Senate, a publication entitled "Economic Report on Mergers and Vertical Integration in the Cement Industry" (with an accompanying document); to the Committee on Commerce.

SUSPENSION OF DEPORTATION OF ALIENS—WITHDRAWAL OF NAME

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Wing Yung Nee, also known as Fong Mai Kai and Michael Yee, from a report relating to aliens whose deportation has been suspended, transmitted to the Senate on February 1, 1965 (with an accompanying paper), to the Committee on the Judiciary.

REPORT ON EQUIPMENT TITLED IN NONPROFIT EDUCATIONAL INSTITUTIONS AND OTHER NONPROFIT ORGANIZATIONS

A letter from the General Manager, U.S. Atomic Energy Commission, Washington, D.C., transmitting, pursuant to law, a report on equipment titled in nonprofit educational institutions and other nonprofit organizations, for the calendar year 1965 (with an accompanying report); to the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG of Louisiana, from the Committee on Finance, without amendment:

H.R. 15202. An act to provide, for the period beginning on July 1, 1966, and ending on June 30, 1967, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act (Rept. No. 1275).

By Mr. SALTONSTALL, from the Committee on Armed Services, with an amendment:

H.R. 12270. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the 12th Boy Scouts World Jamboree and 21st Boy Scouts World Conference to be held in the United States of America in 1967, and for other purposes (Rept. No. 1277).

By Mr. McGOVERN, from the Committee on Agriculture and Forestry, with amendments:

S. Con. Res. 88. Concurrent resolution relative to parity prices for agricultural commodities (Rept. No. 1276).

By Mr. ROBERTSON, from the Committee on Banking and Currency, without amendment:

H.R. 10357. An act to provide for the striking of medals in commemoration of the 100th anniversary of the founding of the U.S. Secret Service (Rept. No. 1279); and

S.J. Res. 153. Joint resolution to provide for the striking of medals in commemoration of the 50th anniversary of the Federal land bank system in the United States (Rept. No. 1278).

By Mr. BARTLETT, from the Committee on Commerce, with an amendment:

S. 2218. A bill to establish a contiguous fishery zone beyond the territorial sea of the United States (Rept. No. 1280).

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

S. 3150. A bill to make further provision for the retirement of the Comptroller General (Rept. No. 1283); and

H.R. 6438. An act to authorize any executive department or independent establishment of the Government, or any bureau or office thereof, to make appropriate accounting adjustment or reimbursement between the respective appropriations available to such departments and establishments, or any bureau or office thereof (Rept. No. 1284).

SALE AND HANDLING OF CERTAIN DOGS AND CATS—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 1281)

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I report favorably, with amendments, the bill (H.R. 13881) to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes, and I submit a report thereon.

I ask unanimous consent that the report be printed, together with the individual views of the Senator from Oregon [Mrs. NEUBERGER].

The VICE PRESIDENT. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Washington.

AMENDMENT OF FEDERAL AIRPORT ACT TO EXTEND TIME FOR MAKING GRANTS THEREUNDER—REPORT OF A COMMITTEE—ADDITIONAL COSPONSORS OF BILL (S. REPT. NO. 1282)

Mr. MAGNUSON. Mr. President, on behalf of the Senator from Oklahoma [Mr. MONRONEY], I report favorably, with amendments, the bill S. 3096, to amend the Federal Airport Aid Act to extend the time for making grants thereunder, and for other purposes, and I submit a report thereon.

I ask unanimous consent that the names of Senators CANNON and COTTON be added as cosponsors of this legislation at the next printing of the bill.

The VICE PRESIDENT. The report will be received and the bill will be placed on the calendar; and, without objection, the additional cosponsors will be added to the bill, as requested by the Senator from Washington.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

James M. Nabrit, Jr., of the District of Columbia, to be the deputy representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and deputy representative of the United States of America in the Security Council of the United Nations;

Delmar R. Carlson, of the District of Columbia, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary to Guyana;

Walter P. McConaughy, of Alabama, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to China;

Alfred M. Gruenther, of the District of Columbia, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency;

Troy V. Post, of Texas, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency; and

Stephen J. Wright, of Tennessee, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency.

Mr. FULBRIGHT. Mr. President, also from the Committee on Foreign Relations, I report favorably sundry nominations in the Diplomatic and Foreign Service. Since these names have previously appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

The nominations are as follows:

Allen S. Whiting, of the District of Columbia, and sundry other persons, for appointment and promotion in the Diplomatic and Foreign Service.

By Mr. MAGNUSON, from the Committee on Commerce:

George Meany, of Maryland, to be a member of the board of directors of the Communications Satellite Corp.

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. SALTONSTALL:

S. 3495. A bill to amend title XVIII of the Social Security Act to provide coverage thereunder for extended care services to certain individuals who have not been hospitalized but who have been certified to be in need of such services after examination in the outpatient diagnostic facilities of a hospital; to the Committee on Finance.

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

By Mr. LONG of Louisiana (for himself and Mr. NELSON):

S. 3496. A bill to authorize the appropriation of funds from the Treasury to help defray the costs of presidential campaigns; to the Committee on Finance.

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

By Mr. INOUYE:

S. 3497. A bill for the relief of Miss Filomena Cabot; to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 3498. A bill to facilitate the carrying out of the obligations of the United States under the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States, signed on August 27, 1965, and for other purposes; to the Committee on Foreign Relations.

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

By Mr. MAGNUSON (for himself and Mr. BARTLETT):

S. 3499. A bill to amend the act of August 27, 1954, relating to the seizure of vessels of the United States by foreign countries; to the Committee on Commerce.

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

By Mr. TOWER:

S. 3500. A bill to authorize the President to retire Lt. Gen. Robert Wesley Colglazier, Jr., in the grade of lieutenant general; to the Committee on Armed Services.

S. 3501. A bill to authorize the sale of standard silver dollars now held by the Treasury to certain health organizations; to the Committee on Banking and Currency.

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

By Mr. MUSKIE (for himself, Mr. MORSE, and Mr. ROBERTSON):

S. 3502. A bill to provide for the disposition of the personal estates of veterans dying intestate and without heirs in Veterans' Administration facilities in accordance with State law; providing for reimbursement to the United States for costs incurred in caring for, treating and maintaining such veterans, and for related purposes; to the Committee on Labor and Public Welfare.

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

By Mr. MUSKIE (for himself and Mr. ROBERTSON):

S. 3503. A bill to facilitate the discovery and recovery by the States of unclaimed personal property in the custody of Federal agencies, and for other purposes; to the Committee on Government Operations.

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

By Mr. JACKSON (by request):

S. 3504. A bill to amend the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

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

By Mr. MONRONEY (for himself and Mr. HARRIS):

S. 3505. A bill to make certain expenditures by the city of Tulsa, Okla., eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

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

By Mr. McCARTHY:

S. 3506. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of certain additional moving expenses of employees; to the Committee on Finance.

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

By Mr. HARTKE:

S. 3507. A bill to place deputy U.S. marshals under the competitive civil service, and for other purposes; to the Committee on the Judiciary.

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

By Mr. TALMADGE:

S. 3508. A bill for the relief of Chao Tee Chun; to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 3509. A bill to establish a National Intergovernmental Affairs Council; to the Committee on Government Operations.

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

By Mr. FULBRIGHT (by request):

S.J. Res. 167. A joint resolution to enable the United States to organize and hold an International Conference on Water for Peace in the United States in 1967 and authorize an appropriation therefor; to the Committee on Foreign Relations.

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

CONCURRENT RESOLUTIONS

EXPRESSION OF SENSE OF CONGRESS RELATING TO QUALIFICATIONS OF MEMBERS OF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. TOWER submitted a concurrent resolution (S. Con. Res. 97) to express the sense of the Congress with respect to the need for members of the Equal Employment Opportunity Commission to be qualified to understand the problems of all groups of workers throughout our Nation, which was referred to the Committee on Labor and Public Welfare.

(See the above concurrent resolution printed in full when submitted by Mr. TOWER, which appears under a separate heading.)

TO PRINT ADDITIONAL COPIES OF PAMPHLET ENTITLED "OUR CAPITOL"

Mr. MONRONEY submitted the following concurrent resolution (S. Con. Res. 98); which, under the rule, was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document, with illustrations, the pamphlet entitled "Our Capitol"; and that three hundred and twenty-two thousand five hundred additional copies shall be printed, of which one hundred and three thousand copies shall be for the use of the Senate and two hundred and nineteen thousand five hundred copies for the use of the House of Representatives.

RESOLUTION

INVESTIGATION TO DETERMINE THE ADEQUACY OF THE U.S. MERCHANT MARINE FLEET

Mr. TOWER submitted a resolution (S. Res. 273) authorizing an investigation to determine the adequacy of the

U.S. merchant marine fleet, which was referred to the Committee on Commerce.

(See the above resolution printed in full when submitted by Mr. TOWER, which appears under a separate heading.)

NURSING HOME CARE TO CERTAIN INDIVIDUALS

Mr. SALTONSTALL. Mr. President, I introduce for appropriate reference a bill to amend title 18 of the Social Security Act to provide nursing home care to certain individuals in need of such services although they have not first been admitted to a hospital. As the law now stands such a person is not eligible for this care unless he is transferred from a hospital where he has been a patient for at least 3 consecutive days. I think this provision is a weakness in the present law and I believe it should be changed before the extended care provisions of the act become effective January 1.

Last year, as I had on several occasions beginning in 1960, I introduced a comprehensive health care bill, S. 395. That measure contained a section enabling a person to enter directly into a nursing home without having to be transferred there from a hospital. In testimony before the Finance Committee I urged incorporation of that provision in whatever bill was finally enacted by the Senate. I regret that it was not included and I believe Congress should act at this time to make it part of the extended care provisions of that statute. Since these will not become operative until January 1, there is still time to make the change before another procedure becomes established.

As I said in my testimony last year, I still believe it is wrong to require that nursing home care must be preceded by a stay in the hospital. We read in the newspapers and in magazines, and we hear from hospital administrators and doctors, that our already overcrowded hospitals can expect even greater strains on their facilities once medicare becomes fully operative.

The question is often raised as to whether present facilities will be sufficient to meet the needs of people who definitely require hospitalization. Think how much worse the situation will be if my suggestion is not adopted.

The provision in existing law which requires 3 days of hospitalization in order to establish eligibility for nursing home care will surely lead to the admission of older people to hospitals who do not actually need to be there. It will add unnecessarily to the burden of our hospitals. Family doctors recognizing that nursing home care is called for in connection with treatment of a patient will be under great pressure to get them admitted to a hospital for the necessary period so that they then can obtain the nursing home coverage they require. This will add to the difficulties faced by hospitals and in the process some individuals who should have hospitalization may be delayed in receiving the treatment they need, possibly with serious consequences.

My bill does not automatically open the nursing home door to any older person whose doctor states he needs such care. Safeguards are provided by requiring outpatient diagnostic services and a finding that nursing home care is called for. Both an individual's physician and the hospital providing the outpatient diagnostic service must certify within 1 week of examination that he requires extended care, and 2 weeks is allowed following certification for the patient to enter such an extended care facility.

Mr. President, we know how difficult it is for hospitals today to take all the people who seek admission. We know that the situation will become even more difficult once the extended care provisions go into effect January 1. We know, too, that there are individuals who could benefit greatly from nursing home care who will be reluctant to take advantage of it because they will not want to spend a minimum of 3 days in the hospital to get there. Some of them do not need to be hospitalized.

We want medicare to meet the needs of the people it is intended to help. I believe today, as I believed last year, that this proposal will be of significant benefit to our older citizens and I am hopeful that some action will be taken during this session of Congress.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3495) to amend title XVIII of the Social Security Act to provide coverage thereunder for extended care services to certain individuals who have not been hospitalized but who have been certified to be in need of such services after examination in the outpatient diagnostic facilities of a hospital, introduced by Mr. SALTONSTALL, was received, read twice by its title, and referred to the Committee on Finance.

CONTRIBUTIONS TO PRESIDENTIAL CAMPAIGNS

Mr. LONG of Louisiana. Mr. President, I regret to say that on more lengthy study of the proposal to allow $100 deductions to finance campaigns, I find myself more and more inclined to believe that it is not the best way to finance political campaigns.

(At this point Mr. HARRIS assumed the chair.)

Mr. LONG of Louisiana. I hope that the distinguished Vice President will remain in the Chamber long enough to hear what I am about to say. It might interest him.

It is my theory that the best way to finance presidential campaigns is on the principle of one man, one vote.

I am introducing a plan today to finance campaigns for the Presidency of the United States based on the fact that each person in voting for a candidate for President would authorize the Treasurer of the United States to pay $1 toward the expense of electing that candidate.

It is my thought that the problem of financing the campaign should be on a popular basis, just as the President is elected by all of the people. He should not be beholden to large campaign contributors.

My plan would provide that a candidate for President could be advanced money to finance his campaign based on the number of votes received by the candidates in the previous campaign, although I would require that both major candidates would have the same advance of funding available to them.

We would advance money to them based not on the votes cast in the previous elections for the highest candidate, but the second candidate, as between the two top contenders.

We would say that there would be no campaign financing except to the extent that a party receives more than 1,500,000 votes. The candidate receiving the highest number of votes would be limited for reimbursement to $1 per vote of him on his actual campaign expenditures that had been made, whichever is the lesser. And he would be further limited to 50 cents for each vote cast for all candidates in that election.

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

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may continue for 2 additional minutes.

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

Mr. LONG of Louisiana. Mr. President, this, in my opinion, is the way that a campaign for President should be financed.

I do not propose that the plan should be extended to candidates for judge, or candidates for the State legislature, or even candidates for the House or the Senate. But there is no doubt in my mind that we should get away from a system where candidates for President of the United States are beholding to large campaign contributors. On the other hand the $100 deduction scheme, which did not originate with the President of the United States, might create more mischief than it removes.

For example, I can conceive of a situation of a corporation president assigning a junior executive to go among the highly paid employees and executives to collect $100 contributions for Senators, Congressmen, or the presidential candidate who had been more favorable to their problems.

I can foresee the medical association, which opposed the medicare bill, suggesting that all doctors should pass the hat and each contribute $100, with a tax deduction available to help defeat everyone who voted for the medicare bill.

It cannot be imagined that people in the lower income brackets would take advantage of this deduction by making campaign contributions. It would be in the upper brackets where one would expect that advantage would be taken. That is where the tax savings is greatest.

Therefore, it would tend to make government, as far as campaign expenses are concerned, financed in campaigns by, and financed in obligations to, those in the upper and middle income brackets.

The proposal which I make would encourage candidates to campaign for and support measures that would benefit 190 million people in the country and bring

about a disdain for the type of pressure which we have in government.

Mr. President, I ask unanimous consent that the bill be received and referred to the Committee on Finance for the reason that this committee is going to conduct hearings on a number of measures. While it may not have jurisdiction of the matter, I have no objection to a similar bill going to another committee. We will be conducting hearings on both this proposal for financing, as well as the proposal suggested by the President, the Senator from Delaware [Mr. WILLIAMS], the Senator from Florida [Mr. SMATHERS], and that of the AFL-CIO.

We would hope that the best contribution of all persons knowledgeable in the field would bring forth the most appropriate, equitable, fair, just, and proper way to finance campaigns of Federal elected officials and that it would represent the thinking of the best minds in our committee when they have had a chance to consider all proposals.

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

The bill (S. 3496) to authorize the appropriation of funds from the Treasury to help defray the costs of presidential campaigns, introduced by Mr. LONG (for himself and Mr. NELSON), was received, read twice by its title, and, by unanimous consent, referred to the Committee on Finance.

Mr. WILLIAMS of Delaware. Mr. President, later today I will submit an amendment on behalf of Senator BENNETT, Senator LAUSCHE, and myself, to the bill proposing to increase the debt ceiling. The purpose of this amendment will be to implement the President's recommendation for a tax incentive for any part of a $100 political contribution to either of the two political parties. The Senate should have an opportunity to act on the proposal.

Hearings were held on a similar amendment which I introduced in March, at which time the Treasury Department asked that the matter go over until the administration had had a chance to make its recommendations. I withheld the matter at that time with notice that it would be offered later this year.

On Monday of this week about one-third of our hearings on the debt ceiling was in connection with this amendment endorsed by the President and the administration to allow a tax incentive for the first $100 political contribution.

This amendment provides that up to $100 in political contributions will be allowed as a deduction for tax purposes. In instances where the taxpayer uses the standard deduction the allowance will be a deduction in addition to this standard submitted today and will be called up for a vote tomorrow. I hope that it can be adopted.

Surely the Senate will support the President's recommendation on this proposal.

Mr. NELSON subsequently said: Mr. President, the Senator from Louisiana [Mr. LONG] has just introduced a bill respecting a proposal to finance presidential campaigns. I have just read the bill. It provides, essentially, that the Treasury of the United States shall provide from the Treasury $1 for each vote cast in behalf of each of the candidates of the political parties in presidential elections.

In my casual review of this bill, I think it is the most creative idea that has come forth in all the debate and time we have spent in puzzling over this program. This is the most creative idea for a constructive way to meet this difficult problem.

While I am not necessarily wedded to all the details contained in the bill, and would like an opportunity to examine the bill further, I think basically it is a first-rate idea.

I ask unanimous consent that I may be added as a cosponsor to the proposal of the Senator from Louisiana [Mr. LONG].

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

CONVENTION ON THE SETTLEMENT OF INVESTMENT DISPUTES ACT OF 1966

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to facilitate the carrying out of the obligations of the United States under the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States, signed on August 27, 1965, and for other purposes.

The proposed legislation has been requested by the Secretary of the Treasury, and I am introducing it in order that there may be a specific bill to which Members of the Congress and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered.

I ask unanimous consent that the bill may be printed in the RECORD at this point, together with a memorandum relating to it which was submitted by the Treasury Department.

The PRESIDING OFFICER. The bill will be received and appropriately referred, and without objection, the bill and memorandum will be printed in the RECORD.

The bill (S. 3498) to facilitate the carrying out of the obligations of the United States under the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, signed on August 27, 1965, and for other purposes, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 3498

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 "Convention on the Settlement of Investment Disputes Act of 1966."

SEC. 2. The President may make such appointments of representatives and panel members as may be provided for under the Convention.

SEC. 3. (a) An award of an arbitral tribunal rendered pursuant to Chapter IV of the Convention shall create a right arising under a treaty of the United States. The pecuniary obligations imposed by such an award shall be enforced and shall be given the same full faith and credit as if the award were a final judgment of a court of general jurisdiction of one of the several States. The Federal Arbitration Act (9 U.S.C. 1 *et seq.*) shall not apply to enforcement of awards rendered pursuant to the Convention.

(b) The District Courts of the United States (including the courts enumerated in 28 U.S.C. 460) shall have exclusive jurisdiction over actions and proceedings under paragraph (a) of this section, regardless of the amount in controversy.

The statement presented by Mr. FULBRIGHT is as follows:

BACKGROUND AND ANALYSIS OF A BILL TO FACILITATE THE CARRYING OUT OF THE OBLIGATIONS OF THE UNITED STATES UNDER THE CONVENTION ON THE SETTLEMENT OF INVESTMENT DISPUTES BETWEEN STATES AND NATIONALS OF OTHER STATES, SIGNED ON AUGUST 27, 1965, AND FOR OTHER PURPOSES

BACKGROUND

On May 16, 1966, the Senate by a unanimous vote of 72 to 0 gave its advice and consent to the resolution of ratification of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States.

The Senate Committee on Foreign Relations held hearings on the Convention on March 29, 1966, and received testimony in support of the Convention from Under Secretary of the Treasury Joseph W. Barr and Mr. Leonard C. Meeker, the Legal Adviser of the State Department.

The purpose of the Convention is to facilitate the settlement of investment disputes between private foreign investors and sovereign States where investments are made. This is accomplished by providing for the establishment of an International Center for Settlement of Investment Disputes (the Center) under the auspices of the International Bank for Reconstruction and Development (the World Bank). The Center will maintain panels of specially qualified persons from which arbitrators and conciliators can be selected by parties wishing to use the facilities of the Center.

A decision to submit a dispute to conciliation or arbitration under the Convention would be entirely voluntary and would be based on a written agreement between the foreign investor and the Contracting State. Thus, no party, either government or private, could be required to submit a dispute to the Center unless it had first consented to do so, and ratification of the Convention by the United States will in no way bind or otherwise commit the United States Government to submit any dispute to arbitration or conciliation.

The Center would consist of an Administrative Council and a Secretariat. The Administrative Council, which would be composed of one representative from each Contracting State, would establish rules of procedure for arbitration and conciliation proceedings, approve arrangements with the World Bank for use of the latter's facilities and services, and approve the budget and annual report of the Center. The Secretariat would be responsible for administration of the Center.

While the recommendations of a Conciliation Commission would not be binding on the parties in view of the essentially voluntary nature of the process of conciliation, arbitral awards rendered pursuant to the Convention would be binding on the parties. Article 54(1) of the Convention states:

"Each Contracting State shall recognize an award rendered pursuant to this Convention as binding and enforce the pecuniary obligations imposed by that award within its territories as if it were a final judgment of a court in that State. *A Contracting State with a federal constitution may enforce such an award in or through its federal courts and may provide that such courts shall treat the award as if it were a final judgment of the courts of a constituent state.*" (Emphasis supplied.)

The proposed implementing legislation is being introduced in accordance with the provisions of this article. In testifying on the Convention before the Senate Foreign Relations Committee, Under Secretary of the Treasury Joseph W. Barr stated:

"As I mentioned, arbitral awards will be enforcible in the courts of contracting states. In the case of federal states like the United States the convention provides that awards may be enforced in or through the Federal courts. We have drafted proposed implementing legislation which will provide that arbitral awards under the convention shall be enforcible in U.S. Federal district courts. This draft legislation will soon be submitted to the Congress."

ANALYSIS

Section 2 of the proposed legislation states that the President may make such appointments of representatives and panel members as may be provided for under the Convention. This section provides for the appointments of a U.S. representative and alternate to the Administrative Council of the Center. In this connection, it is to be noted that Article 4(2) of the Convention states:

"In the absence of a contrary designation, each governor and alternate governor of the Bank appointed by a Contracting State shall be *ex officio* its representative and its alternate respectively."

Section 2 would also authorize the President to designate four persons to the Panel of Arbitrators and four persons to the Panel of Conciliators. Article 13(1) of the Convention states:

"Each Contracting State may designate to each Panel four persons who may but need not be its nationals."

The purpose of Section 3(a) of the proposed legislation is to implement Article 54(1) of the Convention, cited above. Section 3(a) provides that an award of an arbitral tribunal rendered pursuant to Chapter IV of the Convention shall create a right arising under a treaty of the United States. Chapter IV of the Convention is the chapter concerned with arbitration proceedings. The statement that an arbitral award rendered pursuant to the Convention "shall create a right arising under a treaty of the United States" simply makes clear that an action to enforce an arbitral award shall be a case arising under a treaty of the United States within the meaning of Article III, Section 2, Clause 1, of the Constitution. That clause extends federal judicial power to cases arising under the Constitution and laws of the United States and to treaties made under their authority.

Section 3(a) of the proposed legislation also states that the pecuniary obligations imposed by an arbitral award rendered pursuant to the Convention shall be enforced and shall be given the same full faith and credit as if the award were a final judgment of a court of general jurisdiction of one of the several States. The reference to the "pecuniary obligations" of an award is taken from Article 54(1), cited above, which limits the obligation to enforce an arbitral award to any monetary damages included in the award. To give full faith and credit to an arbitral award as if it were a final judgment of a court of one of the several States means that an action would have to be brought on the award in a United States District court just as an action would have to be brought in a United States District court to enforce the final judgment of a State court. In such an enforcement action the United States District court would be required to give full faith and credit to the arbitral award.

Section 3(a) of the proposed legislation further states that the Federal Arbitration Act shall not apply to enforcement of awards rendered pursuant to the Convention. The Federal Arbitration Act permits the courts to vacate an arbitration award on grounds of corruption, fraud, partiality, misconduct, or other prejudicial conduct of an arbitrator, or where the arbitrators exceed their power. Under Article 52 of the Convention such challenges to an award may be raised only through the annulment proceedings provided for in the Convention. To permit those issues to be examined by the courts at the enforcement stage would be contrary to the provisions of the Convention.

Section 3(b) of the proposed legislation states that District courts of the United States shall have exclusive jurisdiction over actions to enforce arbitral awards. This provision is also based on Article 54(1) of the Convention, which provides that a Contracting State which is a federal state may meet its enforcement obligations by providing for the enforcement of arbitral awards in its Federal courts. The statement that the jurisdiction of District courts shall be "exclusive" means that arbitral awards shall be enforcible in Federal courts and not in State courts. The reference in this provision to the courts enumerated in 28 U.S.C. 460 means that the District courts of the Canal Zone, Guam and the Virgin Islands shall also have jurisdiction.

AMENDMENT OF ACT RELATING TO SEIZURE OF VESSELS OF THE UNITED STATES BY FOREIGN COUNTRIES

Mr. MAGNUSON. Mr. President, on behalf of myself and the senior Senator from Alaska [Mr. BARTLETT], I introduce, for appropriate reference, a bill to provide more equitable reimbursement when a U.S. vessel is seized by a foreign country on the high seas or in territorial waters not recognized by the United States.

The bill is particularly applicable to our fishing vessels, a number of which have been forcibly seized and detained by foreign governments off the South American coast which claim territorial seas of extraordinary width.

Under present law (68 Stat. 833) when such seizures occur, the Secretary of State is required to attend to the welfare of the vessel and its crew and to secure their release from foreign custody.

When, to effect this release, a fine is required from owners of the vessel, the Secretary of State certifies to the Secretary of the Treasury the amount of fine paid, and the later reimburses the owners the amount of the fine.

There is, however, under the present statute, no reimbursement for losses, other than the amount of the fine, incurred as a result of such seizures and detention.

These losses invariably include lost fishing time, which means lost income to both owners and crewmen of vessel. They also may include expenses in connection with gear, equipment, catch and demurrage incident to the involuntary delay.

My bill, introduced by request of the American Tunaboat Association, which has been victimized and harassed by wrongful foreign seizures, would rectify this omission in the present statute.

The bill would amend and amplify section 3 of the statute, which provides for reimbursement of the amount of the fine, to include reimbursement to owners of the vessel and to members of the ship's company, for any loss incurred as a result of seizure.

Demurrage for lost time would be determined on the basis of gross income of the seized vessel during the 12 calendar months immediately preceding seizure.

What this bill does, Mr. President, is to strengthen our existing laws for the protection of U.S. vessels on the high seas.

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

The bill (S. 3499) to amend the act of August 27, 1954, relating to the seizure of vessels of the United States by foreign countries, introduced by Mr. MAGNUSON (for himself and Mr. BARTLETT), was received, read twice by its title, and referred to the Committee on Commerce.

IN AID OF THE 12 HEALTH AGENCIES

Mr. TOWER. Mr. President, I introduce today for appropriate reference a measure designed to allow the Federal Government to sell to the 12 health agencies approved for the Federal Service Campaign for National Health Agencies their current holdings of silver dollars.

There are presently about 3 million silver dollars minted between 1878 and 1922 being held in Treasury vaults. Of these, 2.8 million were minted at Carson City, Nev., between 1878 and 1893. The balance of the coins were minted at Philadelphia, New Orleans, and San Francisco between 1883 and 1922, the vast majority of which have likewise never been in circulation. Mr. President, these coins represent a source of great income to those who would be able to market them. It seems altogether fitting that the realization of this income should go to a worthy and needy cause. I have therefore proposed to authorize the Secretary of the Treasury to make these coins available to certain health agencies in order that their research facilities and budgets may be expanded, and their fight against the many diseases that still haunt mankind may be made more efficient.

Mr. President, it is important that these funds be made available to a broad spectrum of health agencies do that more may be helped. We have in the past confined our actions to narrow fields; here is a chance to help agencies that can make very judicious use of this new source of funds.

The Federal Government has in the past helped certain of these agencies with outright grants. It seems that with these uncirculated coins lying in the Treasury vaults, these funds that could not be realized by the Government should

be made available to those who could judiciously make use of them to the benefit of the entire Nation. Therefore, Mr. President, I urge the Members of the Senate to give this charitable measure their swift and overwhelming approval. Very many Americans will certainly benefit from our action here.

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

The bill (S. 3501) to authorize the sale of standard silver dollars now held by the Treasury to certain health organizations introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on Banking and Currency.

DISPOSITION OF PERSONAL ESTATES OF CERTAIN VETERANS

Mr. MUSKIE. Mr. President, I introduce for appropriate reference, on behalf of myself and Senators MORSE and ROBERTSON, a bill to provide for disposition of the personal estates of veterans dying intestate, without heirs. I ask unanimous consent that the bill lie on the table for 1 week, for the benefit of Senators who may wish their names added as cosponsors of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred, and without objection the bill will lie on the desk, as requested.

The bill (S. 3502) to provide for the disposition of the personal estates of veterans dying intestate and without heirs in Veterans' Administration facilities in accordance with State law; providing for reimbursement to the United States for costs incurred in caring for, treating and maintaining such veterans, and for related purposes, introduced by Mr. MUSKIE for himself and other Senators was received, read twice by its title and referred to the Committee on Labor and Public Welfare.

FACILITATION OF DISCOVERY AND RECOVERY BY THE STATES OF CERTAIN UNCLAIMED PERSONAL PROPERTY

Mr. MUSKIE. Mr. President, I introduce for appropriate reference a bill which would enable Senator ROBERTSON and myself to facilitate the discovery and recovery by the States of unclaimed personal property in the custody of Federal agencies.

I ask unanimous consent that the bill lie on the table for 1 week, for the benefit of Senators who may wish to have their names added as cosponsors.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection the bill will be on the desk as requested.

The bill (S. 3503) to facilitate the discovery and recovery by the States of unclaimed personal property in the custody of Federal agencies, and for other purposes, introduced by Mr. MUSKIE for himself and Mr. ROBERTSON, was received, read twice by its title and referred to the Committee on Government Operations.

CONTINUANCE OF CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. JACKSON. Mr. President, I send to the desk a bill to amend the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands. I am introducing this proposed legislation at the request of the Department of the Interior.

By letter of May 13, 1966, Secretary of the Interior Udall submitted this draft proposal, together with a comprehensive explanatory statement. I believe Members of the Senate would be interested in the Secretary's communication and the supporting background information furnished to us concerning our trusteeship responsibilities in the Mariana, Carolina, and Marshall Islands of the Pacific, and the need for increased appropriations to carry out our responsibilities in that area.

Mr. President, I ask unanimous consent that the bill and the May 13 letter be printed in full at this point in the RECORD.

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

The bill (S. 3504) to amend the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, introduced by Mr. JACKSON by request was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3504

A bill to amend the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended (76 Stat. 171), is hereby amended to read as follows:

"SEC. 2. There are authorized to be appropriated for the fiscal year 1967 and thereafter not to exceed $172,000,000, to remain available until expended, to carry out a program of necessary capital improvements and public works related to health, education, utilities, highways, transportation facilities, communications, and public buildings, and there are further authorized to be appropriated such additional sums, to remain available until expended, as may be necessary to carry out the purposes of section 1(a) of this Act. Not later than ten days after the President submits to the Congress his annual budget or a supplemental budget request that includes a request for appropriations for the Trust Territory of the Pacific Islands, the Secretary of the Interior shall submit to the Committees on Interior and Insular Affairs of the House of Representatives and the Senate a statement of the capital improvement and public works program, and all other costs for the civil administration of the trust territory proposed in the budget request being submitted."

SEC. 2. All right, title, and interest of the United States Government, if any, in the following-named vessels is hereby transferred to the government of the trust territory: Gunner's Knot, Pacific Islander, Palau Islander, Yap Islander, Truk Islander, Kaselehlia, Militobi, Ran Annim.

The United States flag may be displayed, in addition to the flag of the trust territory, by vessels of the Trust Territory for identification, but the said vessels shall not thereby be deemed United States flag vessels nor vessels documented under the laws of the United States.

The letter presented by Mr. JACKSON is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 13, 1966.

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

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To amend the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands."

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

The bill authorizes the appropriation in the coming years of funds that would be, in our judgment, sufficient to permit the proper discharge of our obligations in the Trust Territory.

This Government has committed itself to promote the political, economic, and social development of the people of the Trust Territory. If we are to carry out this commitment, enactment of this bill is urgently required. We have, during the twenty years that we have administered the area, made progress toward the achievement of acceptable levels of development, but we have very much farther to go. We need authority to expand much more Federal money in the Trust Territory than we have spent in the past. Our responsibilities to the Micronesians permit no alternative. The enclosed bill is necessary to achieve that result.

The bill in section 1 authorizes an appropriation of not to exceed $172,000,000 for a capital improvement and public works program in the fields of health and education, utilities, roads, transportation, communications, and public buildings. No time limit is specified for completion of the program, but it is our hope and expectation that this total sum would be appropriated during the fiscal years 1967 through 1971, with the resulting facilities constructed and available for operation during the fiscal year 1972.

Section 1 also authorizes the appropriation of such additional amounts as may be necessary for the administration of the Trust Territory. Section 1 requires that within ten days after the President submits to the Congress his annual budget or a supplemental budget request that includes a request for appropriations for the Trust Territory, the Secretary of the Interior must submit to the Senate and House Interior and Insular Affairs Committees an explanatory statement of the capital improvement, public works, and other costs of civil administration of the Trust Territory. This provision will give the Committees an opportunity to review the program.

We strongly believe that the capital improvements program we have projected for substantial completion in 1972 is so essential that it ought not to be deferred over a longer period of time. While we strongly recommend for your consideration the program as projected, we at the same time recognize that the period of five years carries with it no magic and that the program could be accomplished in a fewer or a greater number of years—although, in our estimation, not nearly so effectively as to the value, both tangible and intangible, received from the dollars expended.

For example, if the program could be accomplished in one year, we estimate its total cost would be in excess of $250 million because of the unwarranted "crash program". If the program were undertaken over a ten-year period, we estimate the cost would probably reach $240 million.

The "crash" approach would be extremely expensive in terms of mobilizing and importing at premium rates equipment, materials, and manpower with little benefit to the Micronesians in terms of employment, training, or participation in designing and operating the facilities. The longer period would not enable us to overcome the demands imposed by population increases and would involve additional, though largely incalculable costs, such as lost education opportunities, the debilitating effects of preventable, yet unprevented, disease, and resources remaining unused while human subsistence stands at a relatively low level.

The enactment of section 1, and particularly the authorization of the capital improvements program, will do much more than provide merely for an acceptable physical plant in an appropriate number of years. It cannot help but provide an effective training ground for Micronesian labor and be the means of stimulating the total economy of the Trust Territory, thus beneficially multiplying the economic impact of every dollar spent in the local economy.

Insofar as Micronesian labor is concerned, it is the intention of the Government of the Trust Territory to utilize competent local labor to the limit of its availability and to insist upon training programs whereby those Micronesians who lack requisite skills may acquire them. Thus, it is anticipated that ultimately the major segment of the trained labor force will be Micronesian. There is no reason to suppose, barring unforeseen reverses, that the greatly expanded requirements for operation and maintenance which will be associated with completed elements of the capital improvements program, together with the almost certain collateral development in the private sector, will not provide opportunity for employment for those who are trained in the course of program. That these benefits can be derived from the program is demonstrated by the size and competence of the local labor force which exists today in American Samoa, after a comparable period of major capital improvements.

From July 1, 1951, when the President gave the Secretary of the Interior administrative responsibility for the Trust Territory, to June 30, 1966, $121,905,000 has been appropriated for the administration of the area, including capital improvements. These funds have been used to provide minimal basic services for a people who were largely on a subsistence economy and who, despite centuries of alien rule, have not been afforded an opportunity to become part of the modern world.

The wide expanse of the Trust Territory and its widely scattered people (90,000 people on 2,000 islands scattered over almost 3,000,000 square miles of the Pacific Ocean) have created enormous administrative problems. To meet these problems, the Trust Territory has been divided into six administrative districts. At the present time, four of these six districts are being broken down into seven sub-districts, or regional service centers. Three more regional service centers probably need to be established. These regional service centers will bring 90 percent of the people of the Trust Territory within reasonable distance of improved educational, medical, and economic development programs.

If we are to bring the medical facilities of the Trust Territory to an acceptable level within the next five years, an expenditure of $30,000,000 is estimated. This will provide additional hospitals, dispensaries, and related facilities. It will also allow us to recruit an additional 20 qualified medical doctors for the medical staff, raising the total number of medical doctors and medical practitioners to 60. It also envisions the recruitment of needed support personnel, such as nurses and medical technicians of various types. These additional services will call for an increased operational program for Public Health estimated to range from $4,500,000 for fiscal 1967 to an estimated $7,400,000 in fiscal 1972.

In order to meet properly the educational requirements of the Trust Territory, we estimate a need for school facilities costing a total of $76,979,000 in the five fiscal years 1967 through 1971. This sum will be broken down into $28,020,000 for elementary educational facilities and $48,959,000 for secondary educational facilities. This sum will build and equip 834 new classrooms for the elementary schools and 356 classrooms for the secondary schools. These figures also include the cost of related facilities, such as teachers' quarters, dormitories for the secondary students, kitchens, sanitary facilities and others. This large figure does not include the cost of an educational television system, which cannot be determined until a feasibility study, now underway, is completed.

Hand in hand with the capital improvement program for education will go increased operational budgets. The operational budget for education based upon needs for school facilities is estimated to increase from $5,994,000 in fiscal 1967 to $16,450,000 in fiscal 1971.

Improvement in transportation and communication facilities are of the utmost importance if health, education, and economic advances are to be expected. In order to provide the needed transportation facilities, we plan to spend an estimated $7,095,000 over the next five fiscal years to improve the airport facilities, $10,700,000 during the same period for road and street construction and improvement, and $2,000,000 on harbors, piers, and related facilities. These improvements are badly needed to allow a free, unfettered flow of goods and people into and within the Trust Territory.

One of the most vital supporting facilities is a network of communications among the islands. Health, education, and economic development cannot be expected to function without adequate communications. The plans now call for an expenditure of an amount estimated at $2,830,000 over the next five fiscal years to provide the needed communication facilities.

Power, water, and sewage disposal facilities are urgently needed throughout the Trust Territory, both for the expanding governmental activities and for the public use. In order to provide adequate water, power, and sewage facilities our plans call for an expenditure estimated at $32,042,000 from fiscal 1967 through fiscal 1971.

If we are to meet the increased needs of the people of the Trust Territory, we will need to provide new buildings and other facilities to house the Government that will administer the operations of the Territory. The proposed program for capital improvements over the next five fiscal years calls for an expenditure of $10,227,000 for the construction of government buildings.

The capital improvement program that this legislation will make possible will allow this Government to make the needed improvements in the Trust Territory to allow its people to enter the twentieth century. These investments will create a favorable climate for the economic development of this area and its people.

In the attachments to this report, a more detailed breakdown and explanation of our plans for the Trust Territory of the Pacific Islands for the next five years is given.

Section 2 of the bill conveys all right, title, and interest of the United States, if any, in eight named vessels to the Government of the Trust Territory. All of the vessels are presently held by the Trust Territory Government and operated (through private contractors) to provide shipping facilities and logistic support within the Trust Territory. The utilization of "quit claim" language in the bill is occasioned by an unresolved question as to the extent of the United States interest in certain of the vessels.

The Bureau of the Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Enclosures.

ATTACHMENT I—EXPLANATION OF THE BILL

HISTORICAL BACKGROUND

The islands which form the Trust Territory lie in three major archipelagoes to the north of the Equator in the western Pacific. The land area totals less than 700 square miles, but it is scattered over almost 3,000,000 square miles of open ocean. About 97 of the more than 2,000 islands are inhabited; they range from low-lying coral atolls to high islands of volcanic origin. The Mariana Islands, which stretch to the north of Guam, and the western Caroline Islands are typically high islands, although coral atolls, such as Ulithi, do occur. The eastern Caroline Islands are similarly a mixture of high islands and coral atolls. The Marshalls are entirely low coral atolls, usually a loose string of narrow sandy islands surrounding a lagoon.

These islands were governed between World War I and World War II by the Japanese as a League of Nations mandate. Converted into military bases by the Japanese, they were captured by Allied forces during World War II and placed under Navy military government. Japanese colonists and military personnel were returned to their homeland after the war and in July 1947 the United States placed the former mandate under the newly established United Nations Trusteeship System. In recognition of the defense value of these islands, the provisions of the United Nations Charter relating to strategic areas were brought into play and the trusteeship agreement was concluded between the United States and the Security Council. Under the trusteeship agreement, the United States has undertaken to promote the educational, social, political, and economic development of the people of the territory.

Administrative responsibility was first vested by the President in the Navy but was transferred to the Secretary of the Interior on July 1, 1951. In 1952, administrative responsibility for the northern Mariana Islands was reassigned to the Navy and the dual administration contained until July 1, 1962. On that date the Marianas were returned to Interior supervision and the headquarters of the Trust Territory government were moved to Saipan as provisional capital of the territory. Six administrative districts, which roughly conform to geographic and ethnic devisions, have been established and have formed basic elements in American administration of the area.

During the period of July 1, 1951, through the end of fiscal year 1966, a total of $121,905,000 has been appropriated to the Department of the Interior for administration of the area, including capital improvements. (This total is exclusive of funds appropriated to the Navy for the Northern Mariana Islands during the years 1953–1962.) For fiscal years 1952 through 1962 the annual appropriation ranged from $4,271,000 to a high of $6,304,000

in fiscal year 1962. These funds were within the $7.5 million authorization approved in 1954, and provided minimal basic services to a people who were largely on a subsistence economy and who, despite centuries of alien rule, had not been afforded an opportunity to become part of the modern world.

Enactment of Public Law 87-541 in 1962 increased the Federal appropriation authorization for the Trust Territory from $7.5 to $15 million for fiscal year 1963 and $17.5 million thereafter. The funds which have been appropriated and expended under this new authorization have made possible an appreciable start toward bringing the physical facilities and the level of services to a minimum standard acceptable in an American community. In addition, there are some beginnings in the development of Micronesian resources. In spite of the start which has been made, however, an enormous amount still remains to be accomplished if we are fully to discharge the responsibilities we have assumed in the Pacific.

The problems of supplying basic facilities and services in the Trust Territory are compounded by the widely scattered population, its rapid growth, its high proportion of children, and the relatively low level of economic and social development in the islands. The present population of 90,000 has been growing at an overall rate of almost 4 percent annually and, if that rate continues, will reach 100,000 by 1970. This rate of growth compares with 1.6 percent for the United States, 2.3 percent for India, 0.9 percent for Japan, and 3.2 percent for the Philippines. Some of the Trust Territory islands have a population density of 1,900 persons per square mile, although others have a population density as low as 50 persons per square mile. Almost one-half of the population is less than 20 years of age.

A major shortcoming of past efforts to provide services to the people of the territory and to promote their economic development has been the difficulty of reaching the population living on the more remote islands of each district. Approximately 56 percent of the total population lives on the islands where the six district centers are located. Initial developmental efforts were largely confined to those six centers. During the last few years, however, a start has been made toward providing needed services, such as intermediate or secondary schools and regional health centers, to some of the subcenters, such as Ulithi, Kusaie, and Ebeye. The establishment of approximately seven such sub-centers will bring a substantially greater percentage of the total population within the ambit of improved educational, medical, and economic development programs. These seven sub-centers, or regional service centers, would be distributed through four of the six districts. Three would be located in the Marshalls, at Jaluit and Ebeye and one in the northern Marshalls. One would be located in the Ponape District at Kusaie. One would be located in the Truk District in the Mortlocks. Two regional service centers would be located in the Yap District at Ulithi and at Woleai.

The establishment of these regional service centers will bring 90 percent of the people of the Trust Territory within reasonable distance of adequate health, education, and other governmental services. The remaining 10 percent of the population is scattered in small, relatively isolated, communities of 100 people or less.

HEALTH

Under the accelerated program commenced in fiscal year 1963, improvement in health services to the Micronesian people has been considerable. However, there is still a very high incidence of filariasis, amoebic dysentery, leprosy, and tuberculosis—illnesses which are almost unknown or completely controlled in the United States, and which could be controlled in the Trust Territory. There are almost no registered nurses in the Trust Territory, and 90 percent of the doctors are not qualified by medical degrees. The district hospitals are all overcrowded and three are wholly inadequate. Most of the 90 outlying dispensaries are structurally unsound and staffed largely by insufficiently trained personnel.

At the present time, funds are available for the first increments (at about $1 million each) for new hospitals at Truk and Ponape, but funds are not available for their completion. Nor do we have amounts available for construction of a badly needed 100-bed hospital at Yap; replacement of completely inadequate subdistrict health centers at Ebeye and Kusai; construction of regional health centers; and urgently needed community dispensaries. If we are to bring the medical facilities of the Trust Territory to an acceptable level reasonably soon, that is, in five years, an expenditure of $30 million must be anticipated.

These funds would provide for completely new hospitals of 200 beds at Truk, 150 beds at Ponape, and 100 beds at Yap; additional beds and improvements to those at Palau, Majuro, and Saipan; and construction of seven sub-center health facilities of 30- to 50-bed capacity in Ebeye, Kusaie, Jaluit, the northern Marshalls, the Mortlocks, Woleai, and Ulithi. In order to provide adequate services, some of these regional services centers must be provided with small support vessels. These vessels would not only be medical vessels but would also provide for the transportation of other personnel, such as education supervisors and agricultural extension agents who would be working directly with the communities. At the present time a need is foreseen for four service vessels to be stationed at Jaluit and Ebeye, in the Marshalls; in the Mortlocks, at Truk; and at Ulithi in the Yap District. These vessels would primarily be personnel carriers of less than 100 feet which could respond swiftly to emergencies; be in constant radio contact with the regional service center and the smaller communities, and generally provide the vital link that would bring governmental services to people living on small islands.

The other service centers are close enough to the District centers to be supported by present vessels. In addition to the vessels, there is the distinct possibility that small support aircraft with water landing capabilities will be utilized.

These funds would also provide for about seventy-five community dispensaries, of 2-4 beds each, which would be located in smaller communities in outer-island areas throughout the Trust Territory. These communities are now served by tin or thatch-roof dispensaries. We would propose that radio equipment be installed at each community so that word of emergencies and other illnesses could be received at the pertinent District center or the regional service center. These improvements are considered to be the minimum needed by 1972. The Public Health operational program must be greatly improved over the next five years in order to bring more effective health services to the people of Micronesia. Under the proposed bill, additional doctors would be recruited to augment the doctors now practicing. It is planned that 20 medical doctors would be added to the staff by 1972 in order to bring the total number of medical doctors and medical practitioners to 60.

Registered nurses would be recruited both for medical care in the hospitals and for Public Health duty. By 1972 a total of 36 registered nurses and 13 to 21 Public Health nurses should be added to the staff to provide improved medical care, training for Micronesian nurses, and increased public health services to many communities.

Adequate medical and paramedical staff should be employed to operate district center facilities, regional health centers, and outlying dispensaries. Laboratory technicians, X-ray technicians, hospital administrators, and health workers of all kinds should be recruited. The Trust Territory will, of course, train and employ as many Micronesians as possible for these posts.

Special programs for the detection, isolation, treatment, and rehabilitation of patients ill with tuberculosis, leprosy, filariasis, and other diseases would be mounted. Provision should be made for close cooperation with the U.S. Public Health Service, as well as bringing short-term consultants on special problems to the Trust Territory.

The estimated cost of the operational program for Public Health by fiscal year may be seen in attachment II, which indicates that the cost will range from an estimated $4,500,000 in fiscal year 1967 to an estimated $7,400,000 in fiscal year 1972.

EDUCATION

The accelerated program from 1963 to the present has resulted in 330 new classrooms for the Trust Territory school system, and enrollment has increased to about 21,500 pupils. Of this 21,500, about 19,000 are in elementary school, compared to about 12,000 in 1960. Approximately 2,500 are attending public secondary schools, compared to 135 in 1960. In spite of the new construction, we have not been able to add classrooms to keep up with increased enrollment. Half of the classrooms now occupied are far below an acceptable standard and many are greatly overcrowded. High schools have been established in each of the six District centers and in the sub-centers of Kusaie and Ulithi. Although these secondary schools now accommodate about 2,500 pupils, enrollment is sharply limited by availability of classrooms. Under our current budgetary limitations, in fiscal year 1968 only one of every two children who graduate from the eighth grade will be able to be admitted to high school because of space limitations. Unless secondary school facilities are greatly increased, by 1972 we will be able to accept in high school only one of every four eighth grade graduates.

By 1972 it is estimated that the Trust Territory will need space for more than 8,000 students at secondary levels.

Although some 200 fully qualified teachers have been hired in the school system by recruitment from the mainland and although a training center has been established to upgrade Micronesian teachers fully 43 percent of all public school teachers have not graduated from high school and an additional 30 percent have only high school diplomas. More than half of the Micronesian teachers cannot teach in the English language. Of the total Micronesian population less than 25 percent is literate in English and fewer than 5 percent have graduated from high school.

The construction of sufficient classrooms and related facilities including teachers' quarters to house adequately all eligible elementary pupils by the fall of 1972 will cost an estimated $28 million. This will provide 834 classrooms for a total enrollment of more than 29,000 pupils. A construction program for secondary and vocational facilities, including teachers' quarters, in order to house adequately all eligible secondary students by 1972, will cost an estimated $49 million. At that time, an enrollment of more than 8,000 is anticipated at 13 high schools located at the six district centers and the regional centers.

In order to strengthen the operational program in education, special attention must be devoted to the teaching of English, the secondary school program and curriculum, teacher training, educational materials, higher education and adult education. The program planned for the next five years will make maximum use of Micronesian personnel and will supplement Micronesians with

education specialists with stateside training. A greatly improved program of teaching English as a foreign language will be instituted, which will attempt to reach every elementary and high school student. A major emphasis must be given this program if we are to make the next generation of Micronesians literate in the English language.

The entire secondary program must be evaluated in terms of the goals of Micronesians and special emphasis must be placed on training for the employment opportunities which economic development specialists see as the future of the Trust Territory. Guidance for the high school students should be provided and opportunities must be provided beyond high school for those who will be seeking employment in specialized, technical, or professional skills.

The adult segment of the population should be helped to understand the nature of the change that is taking place in Micronesia and to bring to that change the old values that make for strength in newly emerging Micronesia. In addition, all who can be taught to read and write English should have that opportunity and other skills should not be neglected.

Special teacher training courses have already been set up at Ponape for Micronesian teachers. These courses would be greatly expanded and opportunities for teacher training provided in other districts. The teacher training program will augment the ongoing college training program.

The estimated program cost for education ranges from an estimated $6,000,000 in fiscal year 1967 to an estimated $16,500,000 in fiscal year 1971.

This program does not specifically provide for the use of educational television, although a feasibility study is being initiated. The wide dispersion of the population and the nine local languages involved may make the use of this education medium problematical in terms of more traditional alternatives. In the event the analysis concludes that an ETV system is technically practical in terms of cost related to persons to be reached, a separate request for a construction appropriation would be set forth as a part of the annual civil government appropriation request.

HOUSING

A major and continuing problem in the Trust Territory has been in the area of housing for the Micronesians. Throughout the area there is almost no decent housing and communities are characterized by the large number of dwellings constructed of leftover World War II corrugated iron. Because of the low income level of the people, lack of lending institutions, and lack of long-range community planning, there has been little success in launching well-developed housing programs.

It is proposed to initiate a territorywide low-cost housing program to be administered by the government and to function in the pattern established by HUD for the self-help Indian housing program.

TRANSPORTATION AND COMMUNICATIONS

Improvements in transportation and communication facilities are of the utmost importance if health, education, and economic advances are to be expected.

Airfields which have been built must be surfaced and protected from erosion; runway lights should be installed; the airport at Ponape must be completed; and other airport improvements should be provided, such as runway lighting, navigational aids, parking ramps, and terminal facilities. The estimated amount for airport capital improvement purposes is $7 million.

One of the most vital elements of supporting facilities is the network of communications among the islands. Health, education, and economic development cannot be expected to function effectively without adequate communications. Urgently needed communications facilities include improved radio equipment at each District center and regional service center, and the installation of two-way radio communication equipment in each community in the Trust Territory with a population over 50, to connect with the regional service centers. A microwave system is planned for the Guam-Saipan circuit in order to enable voice communication between Saipan and Guam, and on to the mainland United States. It is also necessary to provide adequate telephone systems within the District centers for both commercial and government use. Installation of new and improved communications facilities is estimated to cost $2.8 million.

If the improved sea transportation schedule is to be made most effective and if regional service centers are to be adequately supplied by sea transportation, additional investment must be made in docks and related facilities. Many docking facilities should be improved in order to permit quick loading and discharge of ships and reducing lightering and longshore costs. Dredging should be accomplished at a number of locations in order to permit vessels to approach existing docks and to widen passages through reefs and shallows. Harbor entrances and channels needed to be buoyed and marked where new facilities are planned. Needed dock facilities and harbor improvements are estimated in the amount of $2 million.

HIGHWAYS

With few exceptions, roads in the Trust Territory are generally deplorable, yet our essential programs of education, health, and economic development are clearly dependent upon an adequate road system.

An adequate road system is essential in order to transport children to school. With a road system it will be possible to consolidate elementary schools on many islands and achieve better educational results as well as significantly lower costs. In addition, many of the high school children will be able to live at home in a family atmosphere instead of having to live in a dormitory at the school—an expensive and frequently unrewarding means of education at the secondary level. Adequate roads are also essential for transporting patients to medical facilities and for transporting agricultural and other products to marketing or shipping centers, thereby encouraging commercial and agricultural production. As to this last point, it has been estimated that if suitable roads were available on the major islands, for improved copra collection and transport, the production of this valuable crop would double. Copra is now the leading source of commercial income, and a major source of tax revenue.

It is planned to construct some 290 miles of road at an estimated cost of $10.7 million. On a District basis, there is need for 70 miles in the Marianas, 90 in Palau, 25 in Yap, 30 in Truk, 70 in Ponape, and 5 in the Marshalls. Of the total, 190 miles would be gravel or coral surfaced at an estimated cost of $30,000 per mile, and 100 miles would be asphalt surfaced at an estimated cost of $50,000 per mile.

UTILITIES

Power, water, and sewage disposal facilities are urgently needed throughout Micronesia. These utilities are required both for expanding governmental activities and for the private sector. At the present time, less than 10 percent of the total population has a protected water supply. While sewage systems do exist on some islands, there is no sanitary disposal system on any island. The extremely high incidence of parasitic worms, gastroenteric disease, and amoebic dysentery can be directly attributed to contamination of water supply by human waste. The elimination of these diseases by proper sanitary and water systems will save unnumbered hospital days of care, as well as a great amount of human misery and death.

While electrical power is available at each District center, there is continuing demand for additional service on a reimbursable basis from the general public. In addition, new power systems must be developed at the regional service center islands to provide for the demand of new government facilities and the local populations.

In order to provide the utility systems needed, $7 million will be needed to construct the necessary sewage disposal facilities, $13 million will be needed to provide pure water supplies, and $12 million will be needed to provide generating and distribution systems.

These estimates anticipate that adequate water, sewage disposal, and power services would be installed to meet the need of both public and private consumers at each of the six District center communities as well as the seven regional service centers. By this means approximately 40 percent of the people of the Trust Territory would have these services. It is planned of course that these services would be available for commercial and home consumption.

GOVERNMENT BUILDINGS

There are many services provided by the Government in the Trust Territory which, in the United States, are usually performed by the private sector. The repair of equipment, the production of aggregate, the storage of food and equipment, and the provision of refrigerated storage are examples. This situation, which cannot be changed in the near future, or until the general level of Trust Territory economic activity is appreciably raised, forces the Government to construct repair shops, rock crushing systems, warehouses of many kinds, and cold storage units. In addition, court houses, administration buildings, employee quarters and legislative buildings are required. Throughout the Trust Territory, public buildings are in a sorry state. It is estimated that $10 million will be required for all of these structures

The total capital improvement authorization requested is $172 million. This is the amount which we estimate will be needed in order to bring the Trust Territory physical plant to acceptable standards by 1972. We strongly believe that the program which has been projected is so essential that it should not be deferred.

ECONOMIC DEVELOPMENT

The economic resources of the Trust Territory are limited, yet with suitable guidance and assistance, the potentials that exist can be developed. At the present time most of the population is on a subsistence economy. However, at least in the District centers and on Ebeye, this pattern is changing and there is significant movement into a limited cash economy.

Exports from the Trust Territory in 1964 totalled $2,700,000, of which all but $400,000 represented copra sales. The largest single employer is the Trust Territory government, with some 3,000 employees receiving close to $4 million annually. Another 2,000 to 3,000 are employed in the private sector, with total wages of $2 million to $3 million annually.

At the present time a thorough analysis of the economic structure of the Territory is underway. This analysis is being conducted by a team from Robert R. Nathan Associates, and will not only involve a comprehensive economic development plan but will assist in implementation of promising potential projects.

While the economic development plan is not yet complete, some indications of the future are already becoming clear. It is almost self-evident that the resources of the sea will play a major role in the economic future of Micronesia. A tuna freezing plant at Palau has been extremely successful and planning is proceeding for construction of

additional plants in Palau, in Truk, and possibly in Ponape. Other fishery resources remain to be explored.

There are other promising aspects of possible economic development which appear to hold promise. Tourism, which is largely undeveloped, appears to be a major possibility. The beauty of these islands, the warm water of the lagoons, the increasing ease of transportation, as well as other factors are making the Territory increasingly attractive as a tourism investment area.

Agriculture, even though the land area is limited, is capable of greatly increased production. Cattle raising, specialty crops such as cacao and pepper, increase of copra production and market gardening all present distinct possibilities.

The economic effect of the proposed capital improvement and operations program cannot be over-estimated. Planned in connection with a coherent economic development program it will provide a powerful stimulus to development, but superimposed planlessly on the narrowly based economy of the Trust Territory, the effect could be devastating.

With proper planning, the new program will create markets that would make it possible to produce certain kinds of goods on a scale that would be economic, years sooner than would otherwise be possible. It would stimulate flows of income that would make possible local savings and investment in productive capital, encouraging development of a banking system. An entrepreneurial class would be developed by providing economic opportunities. An incentive would be provided for the development of skills and a strong motivation for education. Finally, the local tax system and territorial revenue would be expanded greatly through tapping the increased flow of goods and income, thereby increasing the contribution of the Territory to its own development.

All of these effects offer economic opportunities if the development program is planned to take advantage of them, that is, use them to raise the productivity of Micronesian labor and expand the productive base of Micronesian economy. It should be a major objective of the economic development program to accomplish this.

The development of a unified economic structure is entirely dependent upon such factors as transportation, communications, availability of utilities, and the health and education of the people, as well as investment capital and a generally favorable administrative climate. It is our wish to create such a favorable climate in the Trust Territory and the proposed program is intended to carry out that wish.

SECTIONAL ANALYSIS

Section 1 of the bill authorizes the appropriation of necessary funds for two purposes: (1) the necessary expenses connected with the civil administration of the Trust Territory of the Pacific Islands, which may be characterized somewhat imprecisely as the expenses of program operations and maintenance, but which also include the expenses of lesser capital improvements; and (2) the funding of a program of necessary capital improvements and public works, which program by the terms of the section would be related specifically to health, education, utilities, highways, transportation facilities, communications, and Government buildings.

A total ceiling of $172,000,000 is placed upon the capital improvements program although no annual ceiling is placed on the appropriations authorized for civil administration (item (1) above). Section 1 requires that within ten days after the President submits to the Congress his annual budget or a supplemental budget request that includes a request for appropriations for the Trust Territory, the Secretary of the Interior must submit to the Senate and House Interior and Insular Affairs Committees an explanatory statement of the capital improvement, public works, and other costs of civil administration of the Trust Territory.

If enacted, this section will authorize the appropriation of those funds which, after careful consideration, we believe will be required to bring the Trust Territory physical plant to acceptable standards in a reasonable period and which will provide for present and anticipated program requirements for insuring education, health, economic, and political development.

We strongly believe that the capital improvements program we have projected for substantial completion in 1972 is so essential that it ought not to be deferred over a longer period of time. While we strongly recommend for your consideration the program as projected, we at the same time recognize that the period of five years carries with it no magic and that the program could be accomplished in a fewer or a greater number of years—although, in our estimation, not nearly so effectively as to the value, both tangible and intangible, received from the dollars expended.

For example, if the program could be accomplished in one year, we estimate its total cost would be in excess of $250 million because of the unwarranted "crash program." If the program were undertaken over a ten-year period, we estimate the cost would probably reach $240 million.

The "crash" approach would be extremely expensive in terms of mobilizing and importing at premium rates equipment, materials, and manpower with little benefit to the Micronesians in terms of employment, training, or participation in designing and operating the facilities. The longer period would not enable us to overcome the demands imposed by population increases and would involve additional, though largely incalculable costs, such as lost education opportunities, the debilitating effects of preventable, yet unprevented, disease, and resources remaining unused while human subsistence stands at a relatively low level.

The enactment of section 1, and particularly the authorization of the capital improvements program, will do much more than provide merely for an acceptable physical plant in an appropriate number of years. It cannot help but provide an effective training ground for Micronesian labor and be the means of stimulating the total economy of the Trust Tetrritory, thus beneficially multiplying the economic impact of every dollar spent in the local economy.

Insofar as Micronesian labor is concerned, it is the intention of the Government of the Trust Territory to utilize competent local labor to the limit of its availability and to insist upon training programs whereby those Micronesians who lack requisite skills may acquire them. Thus, it is anticipated that ultimately the major segment of the trained labor force will be Micronesian. There is no reason to suppose, barring unforeseen reverses, that the greatly expanded requirements for operation and maintenance which will be associated with completed elements of the capital improvements program, together with the almost certain collateral development in the private sector, will not provide opportunity for employment for those who are trained in the course of program. That these benefits can be derived from the program is demonstrated by the size and competence of the local labor force which exists today in American Samoa, after a comparable period of major capital improvements.

Section 2 of the bill, if enacted, would convey all right, title, and interest of the United States, if any, in eight named vessels to the Government of the Trust Territory. All of the vessels are presently held by the Trust Territory government and operated (through private contractors) to provide shipping facilities and logistic support within the Trust Territory. The utilization of "quit claim" language in the bill is occasioned by an unresolved question as to the extent of the United States interest, if any, in certain of the vessels.

Even though all of the vessels are operated on Trust Territory registry, the *Gunner's Knot* is a United States-owned vessel under permit to the Trust Territory from the Maritime Commission. Similarly, the *Pacific Islander* and certain other of the smaller vessels are United States-owned vessels under permit to the Trust Territory from the Department of the Interior. However, the *Truk Islander* and the *Yap Islander* were acquired wholly with grant moneys and, presumably, title to those vessels is presently vested in the Government of the Trust Territory. The method of acquisition and source of financing, i.e., use in whole or in part of the proceeds of the sale of other vessels, for example, varies as it pertains to the remaining vessels listed in section 2, but gives rise to the question of the extent of United States interest.

Section 2 is proposed as a ratification and regularization of the administrative arrangements, including Trust Territory registry, underlying the Trust Territory "merchant marine," thus insuring the continued exemption of the ships operated by the Government of the Trust Territory from the application of Federal laws applicable to United States-owned, but non-U.S. flag vessels.

Trust Territory registry of the vessels permits the vessels to operate free of requirements which would require unduly burdensome and expensive compliance, as for example, the United States standards as to manning and competency and the United States requirement that 75 percent of a ship's crew be citizens of the United States. Because these requirements need not now be met, the Trust Territory is able to offer Micronesians opportunities for training and advancement aboard its vessels and to operate the vessels at a lesser cost.

Since the Government of the Trust Territory has provided local legislation on this subject, and since the International Labor Organization Convention (No. 53) concerning minimum requirement of professional capacity was declared applicable to the Trust Territory on June 7, 1961, the inapplicability of Federal standards will not result in a void. The Maritime Commission has advised that it has no objection to the transfer of title of the *Gunner's Knot*.

Section 2 also provides that the vessels named may display the United States flag for identification purposes, but, by so doing, shall not be deemed United States flag vessels or vessels documented under the laws of the United States. This provision merely recognizes that the vessels, while generally flying the Trust Territory flag, might wish or have need to indicate their relationship with the United States, and would permit them to do so, the statute (22 U.S.C. 454) forbidding the use of the United States flag by foreign vessels notwithstanding.

ATTACHMENT II—TRUST TERRITORY OF THE PACIFIC ISLANDS

Long-range capital improvement and public works program

I. HEALTH

A. General hospitals (3) 515 beds, at $35,000	$18,025,000
B. Regional health centers (7) 210 beds, at $35,000	7,350,000
C. Dispensaries (75), at $20,000	1,500,000
D. Nursing school	650,000
E. Medical service vessels 4, at $150,000	600,000
F. Medical housing, 100 units, at $20,000	2,000,000
Total	30,125,000

ATTACHMENT II—TRUST TERRITORY OF THE PACIFIC ISLANDS—Continued

Long-range capital improvement and public works program—Continued

II. EDUCATION

A. Elementary education:	
1. Classroom construction, including initial equipment, 834, at $25,000	$20,850,000
2. Attendant facilities (teachers quarters, kitchens, sanitary facilities, utilities, etc.)	7,170,000
Total	28,020,000
B. Secondary education:	
1. Classroom construction, including initial equipment, 356, at $35,000	12,460,000
2. Dormitories, 39, at $441,000	17,199,000
3. Other facilities—teachers quarters, kitchens, multipurpose rooms, shops, labs, etc	19,300,000
Total	76,979,000
C. Educational TV*	

ATTACHMENT II—TRUST TERRITORY OF THE PACIFIC ISLANDS—Continued

Long-range capital improvement and public works program—Continued

III. WATER, POWER AND SEWERAGE SYSTEMS

A. Water supply and distribution	$13,500,000
B. Sewage disposal	6,805,000
C. Power supply:	
1. Power plants	1,497,000
2. Distribution lines	10,240,000
Total	11,737,000
Total	32,042,000

IV. TRANSPORTATION

A. Airfields:	
1. Surface runways, complete Ponape, runway lighting and navaids	6,845,000
2. Terminals and shops	250,000
Total	7,095,000
B. Roads and streets:	
1. Gravel or coral surface, 190 miles, at $30,000	5,700,000
2. Asphalt surface, 100 miles, at $50,000	5,000,000
Total	10,700,000

ATTACHMENT II—TRUST TERRITORY OF THE PACIFIC ISLANDS—Continued

Long-range capital improvement and public works program—Continued

IV. TRANSPORTATION—Continued

C. Harbors, piers, and related facilities	$2,000,000
Total, transportation	19,795,000

V. COMMUNICATIONS

A. Interisland communication—includes complete out island communications	2,380,000
B. Telephone systems	450,000
Total	2,830,000

VI. GENERAL GOVERNMENT

A. Executive—employees housing, shops, etc	7,779,000
B. Legislative branch congressional buildings, etc	1,350,000
C. Judicial—Courthouses and offices	1,100,000
Total	10,229,000
Grand total	172,000,000

* Until a feasibility study, now under way is completed we cannot know possible costs.

ATTACHMENT III.—*Trust Territory of the Pacific Islands, civil government operations*

	Fiscal year 1967 request [1]	Revised, fiscal year 1967	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970	Fiscal year 1971
I. Office of the High Commissioner	$270,000	$299,000	$301,000	$303,000	$305,000	$308,000
II. Judiciary	202,000	221,100	231,000	253,000	243,000	263,000
III. Programs and administration:						
A. Community services:						
1. Public health	2,688,000	4,453,000	5,213,000	5,972,000	7,185,000	7,365,000
2. Education	4,821,000	5,994,000	6,057,000	11,495,000	14,209,000	16,450,000
3. Community development and social services	131,000	625,000	1,270,000	1,517,000	1,320,000	1,382,000
4. Low cost housing development	0	500,000	500,000	500,000	500,000	500,000
Subtotal, community services	7,640,000	11,572,000	13,040,000	19,484,000	23,214,000	25,697,000
B. Political development, public information	240,000	518,000	599,000	688,000	698,000	760,000
C. Resources development and management	1,620,000	2,345,000	2,329,000	2,554,000	2,926,000	3,267,000
D. Protection to persons and property	490,000	622,000	665,000	691,000	700,000	717,000
E. Administration	1,862,000	2,620,000	2,645,000	2,679,000	2,726,000	2,759,000
F. Public works operation and maintenance, communication and transportation	4,038,000	4,938,000	5,137,000	5,444,000	5,790,000	6,050,000
Subtotal, programs and administration	15,890,000	22,615,000	24,415,000	31,540,000	36,054,000	39,250,000
IV. Construction and capital equipment (other than capital improvement limitation):						
A. Agriculture	50,000	328,000	300,000	36,000	0	0
B. Broadcasting and TV	0	0	110,000	1,000,000	1,000,000	500,000
C. Fisheries and boatbuilding	0	50,000	91,000	210,000	156,000	164,000
D. Public safety	0	15,000	190,000	350,000	175,000	300,000
E. Hotels	0	100,000	100,000	0	0	0
Subtotal, construction and capital equipment	50,000	493,000	791,000	1,596,000	1,331,000	964,000
V. Congress of Micronesia	145,000	145,000	200,000	200,000	200,000	200,000
Subtotal, civil government operations	16,557,000	23,773,000	25,938,000	33,892,000	38,133,000	40,985,000
VI. Less revenues and reimbursements	1,550,000	1,550,000	1,690,000	2,000,000	2,440,000	3,000,000
Total, new obligation authority requested	15,007,000	22,223,000	24,248,000	31,892,000	35,693,000	37,985,000

[1] Fiscal year 1967 request adjusted to distribute certain costs to "end use," for comparability with fiscal years 1968 through 1971.

ELIGIBILITY AS LOCAL GRANTS-IN-AID OF CERTAIN EXPENDITURES BY THE CITY OF TULSA, OKLA.

Mr. MONRONEY. Mr. President, I introduce, for appropriate reference, a bill to make certain expenditures by the city of Tulsa, Okla., eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949.

On June 6, I joined my distinguished colleague, Senator HARRIS, in introducing a similar bill of great interest to Oklahoma which would provide the same assistance for Oklahoma City.

The bill I introduced today for myself and Senator HARRIS involves the civic center area of the city of Tulsa and is vital to the achievement of the urban renewal objectives in Tulsa's downtown project. The civic center complex and the urban renewal project are complementary to each other. They have the same objectives of eliminating blight and revitalizing the Tulsa community. In other words, one project definitely supports the other. Thus, the development should be credited toward the local share of the cost of the project.

The purpose of this bill is to assure that the civic center complex, located within the outer boundaries of urban renewal project R-7 in Tulsa, benefits areas other than the urban renewal area by counting as grants-in-aid the expenses incurred by the city of Tulsa and other public bodies in connection with the acquisition, development, and construction of the civic center complex.

Tulsa, I might add, has been extremely fortunate during the past 8 years to have had city leadership that worked successfully with Federal authorities to undertake an urban renewal program that already has put Tulsa far ahead of many other cities in this type of endeavor.

This grant-in-aid provision, along with the one in Oklahoma City, is vital to the financing of urban renewal in Oklahoma.

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

The bill (S. 3505) to make certain expenditures by the city of Tulsa, Okla., eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949, introduced by Mr. MONRONEY (for himself and Mr. HARRIS) was received, read twice by its title, and referred to the Committee on Banking and Currency.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954

Mr. McCARTHY. Mr. President, I introduce for appropriate reference, a bill to amend the Internal Revenue Code of 1954 to permit the deduction of certain additional moving expenses of employees.

On April 5, I introduced another bill (S. 3181), which also deals with this question, but that bill is limited in coverage to cases in which an old employee is reimbursed by his employer for moving to a new principal place of work. When I introduced this bill, I stated I was preparing another bill to provide comparable tax treatment for transferred employees who are not reimbursed and also for those who move to take new employment.

The bill I am introducing today provides deductions of certain moving expenses for old employees who transfer to a new principal place of work, whether or not they are reimbursed by the employer, and also for taxpayers who move to commence work at a new principal place of work.

I ask unanimous consent that the bill may lie at the desk for a week so other Senators who desire to may cosponsor it.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, will be held at the desk as requested.

The bill (S. 3506) to amend the Internal Revenue Code of 1954 to permit the deduction of certain additional moving expenses of employees, introduced by Mr. McCARTHY, was received, read twice by its title, and referred to the Committee on Finance.

PUTTING DEPUTY MARSHALS UNDER CIVIL SERVICE

Mr. HARTKE. Mr. President, I send to the desk for appropriate reference, a measure placing all deputy U.S. marshals under the competitive civil service system. This bill also upgrades the deputy position to a civil service pay classification level that is commensurate with the job and duties these men discharge. In order to recruit and retain persons of high caliber, Mr. President, the pay scale for all deputy U.S. marshals must be brought into line with other Government agencies performing similar functions and duties.

Deputy U.S. marshals, Mr. President, make up the oldest law enforcement agency in our country. The respect and dignity of the agency attract high caliber men to its disposal. It is truly the backbone of law enforcement in our country today. No other single agency in our system of government, Mr. President, performs a wider and more diverse range of duties.

Deputy marshals, as subordinate officers to the U.S. marshals, perform highly responsible and extremely hazardous tasks associated with the enforcement of Federal laws. As directed by the marshal, it is the responsibility of the deputy to carry out the orders of the U.S. Federal judges and commissioners, which include the service of civil and criminal processes, making arrests, transporting prisoners, maintaining order in Federal courtrooms, conducting sales, and preparing necessary statements, reports, and correspondence relating to these duties. Moreover, dangerous and difficult types of assignments and situations are daily encountered in performing these duties. The daily functions of the deputies demand an exercise of independent judgment, tact, and discretion at all times.

The performance of these duties, Mr. President, involves arduous physical exertion requiring both sound mental health and physical vigor. All deputies are required to undergo an annual physical examination before entry on duty and must remain physically qualified at all times.

Deputies must either qualify in specialized experience or general experience as provided for by the Department of Justice for initial appointment. Experience includes active duty as a regularly employed police officer of an organized Federal, State, county, or municipal organization, member of a governmental organization engaged in criminal investigative work which requires the use of firearms and includes the power of arrest or in lieu of this, an education substitution in an accredited law school.

For all of these skilled and highly dangerous tasks, Mr. President, a deputy marshal trainee enters the service at a GS–6 level, and after a 1-year trial period, he becomes an acting deputy marshal, and in turn, is elevated to a GS–7 level. With few exceptions Mr. President, this is where he will stay for the duration of his appointment. His years in service and hours of overtime work are all but forgotten.

By comparison, Mr. President, within the many districts throughout our country, there are Government clerks, secretaries, and probation officers who are GS grade of 6 through 11 or even as high as 13. These grades call for substantial salary increases. All of this simply points out, Mr. President, the grave inequity of the deputy marshals, the forgotten lot.

Mr. President, it is not in the best interest of the Nation's law enforcement agencies—nor is it in the best protective interest of the general public as a whole to let this inequity linger on until these men are forced to leave the service and find employment elsewhere in order to acquire a livable income for their families and loved ones.

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

The bill (S. 3507) to place deputy U.S. marshals under the competitive civil service, and for other purposes, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on the Judiciary.

INTERNATIONAL CONFERENCE ON WATER FOR PEACE

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a joint resolution to enable the United States to organize and hold an International Conference on Water for Peace in the United States in 1967 and authorize an appropriation therefor.

The proposed legislation has been requested by the Secretary of State, and I am introducing it in order that there may be a specific resolution to which Members of the Congress and the public may direct their attention and comments.

I reserve my right to support or oppose this resolution, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the joint resolution may be printed in the RECORD at this point, together with the letter from the Secretary of State dated May 30, 1966, to the Vice President in regard to it.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and letter will be printed in the RECORD.

The joint resolution (S.J. Res. 167) to enable the United States to organize and hold an International Conference on Water for Peace in the United States in 1967 and authorize an appropriation therefor, introduced by Mr. FULBRIGHT (by request) was received, read twice by its title and referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S.J. RES. 167

Whereas there exists throughout the world a common problem in planning the use of water to meet adequately the needs of the world's rapidly expanding population; and

Whereas the President, in announcing the water-for-peace program of the United States Government, recognized the great value of a mutual sharing of knowledge in this important field with other countries in a worldwide cooperative effort to find solutions of man's water problems; and

Whereas a worldwide conference would be the most effective means of bringing together representatives of all governments and agencies concerned, as well as experts, on the varying aspects of the water problems; would focus attention on current and future water problems; and would contribute to the development of policies and programs necessary to meet these problems; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State and the Secretary of the Interior, in consultation with other concerned departments and agencies, are authorized to take all necesasry steps to organize and hold an International Conference on Water for Peace in Washington, D. C. in 1967.

SEC. 2. There is authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated, a sum not to exceed $1,200,000 for

the purpose of defraying the expenses incident to organizing and holding such an International Conference. Funds appropriated pursuant to this authorization shall be available for expenses incurred on behalf of the United States as host government, including personal services without regard to civil service and classification laws, except no salary rate shall exceed the maximum rate payable under the General Schedule of the Classification Act of 1949, as amended; employment of aliens, printing and binding without regard to the provisions of any other law; travel expenses without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under the Travel Expense Act of 1949, as amended, of principal foreign delegates in the United States and of United States personnel and foreign technical experts; rent of facilities by contract or otherwise; hire of passenger motor vehicles; official functions and courtesies; and design, construction, and display of exhibits. Sums appropriated pursuant to this authorization shall remain available for obligation until December 31, 1967.

SEC. 3. The Secretary of State and the Secretary of the Interior are authorized to accept and use contributions of funds, property, services, and facilities, including the loan of articles, specimens, and exhibits for display, for the purpose of organizing and holding such an International Conference.

SEC. 4. The head of any department, agency, or establishment of the United States Government is authorized, on request, to assist with or without reimbursement the Department of State and the Department of the Interior in carrying out the functions herein authorized, including the furnishing of personnel and facilities and the procurement, installation and display of exhibits.

The letter presented by Mr. FULBRIGHT is as follows:

THE SECRETARY OF STATE,
Washington, May 30, 1966.

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

DEAR MR. VICE PRESIDENT: I submit herewith a proposed Joint Resolution which would enable the United States to organize and hold an International Conference on Water for Peace in the United States in 1967; and which further provides for an appropriation authorization to the Department of State for expenses incident to organizing and holding the conference.

The President, in announcing the Water for Peace Program of the United States Government, recognized that the solution of water problems is of common interest throughout the world and pointed out the value of sharing knowledge in this important field with other countries in a cooperative effort to find solutions for man's water problems.

The proposed world-wide conference is the most effective means of bringing together representatives of all governments and agencies concerned, as well as experts, on the varying aspects of the water problems; of focusing attention on current and future water problems; and of contributing to the development of policies and programs necessary to cope with these problems.

I hope that the Senate will be able to give favorable consideration to this request during the present session.

A similar communication is being sent to the Speaker of the House of Representatives.

The Department has been advised by the Bureau of the Budget that this proposal would be in accord with the program of the President.

Sincerely yours,

DEAN RUSK.

Enclosure: Proposed draft legislation.

APPOINTMENT OF MEMBERS OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. TOWER. Mr. President, I submit a concurrent resolution directing that members of the Equal Employment Opportunity Commission be appointed on the basis of their understanding of the problems of all minority groups. It directs the President to give due consideration, in the appointment of members to whether there is maximum feasible representation on the Commission of all groups within our heterogeneous national structure.

I have been disturbed—as I am sure have other Senators and members of the executive branch—by reports of unfair treatment of persons, or groups of persons of Mexican and Latin American heritage who have been working for the cause of equal employment rights for those of similar descent and ethnic heritage. This problem has been of some concern to me and the concurrent resolution I submit today is the result, in part, of my thinking on this vital issue.

This proposal is supplemental to a bill I introduced earlier, S. 3307, which would amend the Civil Rights Act of 1964 to provide for the naming of two additional members of the Equal Employment Opportunity Commission. It was my hope in introducing the earlier bill that the President would be able, in taking advantage of the opportunity to appoint two additional members, to select persons cognizant of the peculiar problems confronting all the various minority groups—such as persons of Latin American heritage.

The present concurrent resolution would not increase the membership of the Commission, but the language is such as to encourage the President to appoint persons of Latin American descent whenever a vacancy may occur for whatever particular reason. Such an appointment, if it did come from the ranks of Latin Americans, would lay the groundwork for a very successful conference on the problems of Mexican-Americans, as the President has indicated he expects to conduct at the White House if the proposal is endorsed by the leaders of Mexican-American organizations.

I am gratified also to note that some official recognition is now being given the gap which exists within the administration with regard to the number of Federal posts which have, so far, apparently not been open to fully competent U.S. citizens of Latin American background. I am hopeful this situation will now be brought further into the open and that something will, at last, be done about it.

The Federal Government is the Government of all Americans created to serve all Americans and it is most important that it set the proper example.

I am hopeful that the proposed White House Conference will receive the approval necessary, for I am certain that a full discussion of the various problems and some discussion of proper solutions of the problems confronting Mexican-Americans in the social and economic sphere will go far toward finding the answers for which we are searching.

Mr. President, I ask unanimous consent that this concurrent resolution lie on the table for 10 days in order that names of Senators interested in cosponsorship of this resolution may be added.

I ask consent that the text of the concurrent resolution be printed at this point in the RECORD.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the RECORD and will lie on the desk, as requested by the Senator from Texas.

The concurrent resolution (S. Con. Res. 97) was referred to the Committee on Labor and Public Welfare, as follows:

S. CON. RES. 97

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that insofar as practicable, the persons serving as members of the Equal Employment Opportunity Commission should be qualified to understand and assess the nature of the employment problems of all groups of workers throughout our Nation, including, but not limited to, such major minority groups as Americans of Mexican and Latin heritage and ancestry, and that in order to achieve this goal the President, in making subsequent appointments of members of the Equal Employment Opportunity Commission as the result of vacancies thereon or an expansion of the membership thereof, should give due consideration, among other reasonable factors, to whether there is maximum feasible representation provided among the membership of the Commission for persons of all the various groups throughout our Nation without regard to race, color, religion, sex, or national origin.

INVESTIGATION TO DETERMINE THE ADEQUACY OF THE U.S. MERCHANT MARINE FLEET

Mr. TOWER. Mr. President, I submit a resolution providing for the study of the state of the merchant marine in the United States.

On numerous occasions the plight of our American vessels has been brought to my attention. One of the most commonly cited facts about the state of the shipping is the almost total reliance on foreign-flag vessels for our international trade, totaling at the present 91 percent and steadily rising. Also, the Soviet Union is building ships at about 10 times our rate. If this rate continues, the Russians will have a fleet many times larger than one needed for their own trade. They are seemingly preparing this vast fleet to use as an instrument of international policy. They would then be able to destroy the economic basis of ocean service upon which we so vitally depend.

The simple fact is that our merchant marine does not measure up to our stature as a world's foremost power. The ships that we do have are striving valiantly, but we simply do not have enough of them. Our active merchant fleet consists of about 900 vessels—most of them obsolete—carrying less than 9 percent of our foreign trade, compared with 24 percent 10 years ago. Even more startling is over the last 10 years our merchant yards have been building

replacements at less than half the obsolescence rate and this year new ship orders will meet only one-fourth of that rate. The average age of our ships is 18 years—70 percent of them are overage. This same 70 percent are below the standards set by Liberia for vessel registry.

The plight of our merchant marine today is being highlighted by the ever-increasing need for supplies in the Vietnamese conflict. We are still carrying 98 percent of our supplies by ship. We have already found it necessary to break out 108 overage Victory ships from the World War II fleet. We are scraping the bottom of the barrel in an effort that involves no enemy action at sea.

Mr. President, it is my hope that the Senate will approve a study of this situation and come up with some concrete proposals in this field. Too often today, those projects which lack glamor are being passed over for others. However, I feel that too much of the national interest is at stake to wait. The situation must be corrected before we have to undertake a crash program that would be terribly costly, and perhaps a great deal too late.

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

The resolution (S. Res. 273) was referred to the Committee on Commerce, as follows:

S. RES. 273

Resolved, That the Committee on Commerce, 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 make a full and complete study and investigation for the purpose of determining (1) the adequacy of the United States merchant marine fleet for the nation's present and future needs, including possible emergency needs, and (2) what, if any, Federal legislation is needed in order to make certain that such fleet is adequate for such needs.

SEC. 2. The Committee shall report to the Senate at the earliest practicable date the results of its study and investigation together with its recommendations for any necessary legislation.

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT—AMENDMENT

AMENDMENT NO. 603

Mr. WILLIAMS of Delaware (for himself, Mr. LAUSCHE, Mr. BENNETT, and Mr. SIMPSON) submitted an amendment, intended to be proposed by them, jointly to the bill (H.R. 15202) to provide, for the period beginning on July 1, 1966, and ending on June 30, 1967, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act, which was ordered to lie on the table and to be printed.

TO PERMIT MEMBERS OF THE ARMED FORCES TO ACCUMULATE MORE THAN 60 DAYS OF LEAVE—AMENDMENT

AMENDMENT NO. 604

Mr. COOPER submitted an amendment, intended to be proposed by him, to the bill (S. 2656) to permit members of the Armed Forces to accumulate more than 60 days of leave under certain circumstances, which was referred to the Committee on Armed Services and ordered to be printed.

AMENDMENT OF ADMINISTRATIVE EXPENSES ACT OF 1946, RELATING TO REIMBURSEMENT OF CERTAIN MOVING EXPENSES OF EMPLOYEES—AMENDMENT

AMENDMENT NO. 605

Mr. SCOTT (for himself and Mr. CLARK) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 10607) to amend the Administrative Expenses Act of 1946, as amended, to provide for reimbursement of certain moving expenses of employees, and to authorize payment of expenses for storage of household goods and personal effects of employees assigned to isolated duty stations within the continental United States, which was referred to the Committee on Government Operations and ordered to be printed.

EXTENSION OF TIME FOR BILLS TO LIE ON THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill S. 3475, introduced by the junior Senator from Maryland [Mr. TYDINGS] and now at the desk, be permitted to remain there until June 22 for the addition of cosponsors.

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

Mr. TOWER. Mr. President, I ask consent that a bill I introduced last week, S. 3482, dealing with the secondary market operations of the Federal National Mortgage Association, lie on the table for 1 additional week. I also ask unanimous consent that a statement of William McChesney Martin, Jr., Chairman, Board of Governors of the Federal Reserve System, before the House Banking and Currency Committee on June 8, be printed at this point in the RECORD, as it deals directly with S. 3482.

The PRESIDING OFFICER. Without objection, the bill will lie on the desk, as requested, and the statement will be printed in the RECORD.

The statement presented by Mr. TOWER is as follows:

STATEMENT OF WILLIAM MCCHESNEY MARTIN, JR., CHAIRMAN, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, BEFORE THE COMMITTEE ON BANKING AND CURRENCY OF THE HOUSE OF REPRESENTATIVES, JUNE 8, 1966

On behalf of all members of the Board, I am making this statement relating principally to the issues raised in your letter of May 31. Let me first assure you that the Board shares the concern of the Committee over the potential problem in the market for mortgages, with attendant effects on home construction.

There are mounting signs of unusual tightness in the mortgage market, although the available statistics do not permit precise measurement of the difficulty of obtaining new home loans or its effect on residential construction. We believe the Congress would be fully justified in taking action to provide a cushion against too sharp a cutback in residential construction. We understand that your Subcommittee on Housing is now considering increasing the Federal National Mortgage Association's purchase authority. Direct injection of funds into the mortgage market through such traditional programs should prove much more effective in softening the impact on residential construction than any of the proposals for additional restrictions on time deposits.

It should be stressed that the difficulties currently faced by both financial institutions and the housing industry reflect, to an important extent, the result of principal reliance on general monetary policies rather than on fiscal actions to restrain the inflationary pressures of a booming economy. In the context of rapidly growing demands for credit, limitation of available credit supplies has been accompanied by higher interest rates on market securities, which has diverted flows of savings away from all intermediaries and directly into market instruments. Banks, as well as nonbank intermediaries, have felt the pressure of the rise in market rates. As noted in Governor Robertson's testimony on May 24, the growth rate of all financial institutions has slowed since the first of this year.

As a result of this diminution in the flow of savings to financial institutions at a time of rising credit demands, competition among intermediaries has increased. Savers are being offered higher returns for their funds, and new financial instruments have been devised to accommodate their requirements as to size and maturity of financial assets holdings. The small saver, in particular, has been courted by commercial banks and competing institutions, and has had the opportunity of sharing in the larger rewards for thrift.

The Board regards increased competition among financial institutions as a development that has important economic benefits. Over the long run, increased competition contributes to a more efficient functioning of our financial markets and to an improved allocation of real resources, while fostering innovations in financial technology. The development of the negotiable certificate of deposit into an important financial instrument meeting investors' needs, and at the same time channeling funds to productive uses, is a case in point.

In the short run, however, structural shifts in financial flows may take place so rapidly as to generate adjustment problems for individual financial institutions and for the borrowers they finance. This year, in the context of general restraint on credit expansion, the more active competition of banks for savings funds has impinged directly on the flow of savings to some nonbank intermediaries. These institutions, in turn, have curtailed their new commitments of funds to the mortgage market.

Short-run problems that emerge from the heightened competition are most appropriately handled, the Board believes, by temporary solutions designed to facilitate adjustments of the nonbank financial institutions and the mortgage market, rather than by permanent restrictions that tend to freeze existing relationships and to limit competitive freedom. In this respect, the Board welcomed administrative rulings made earlier this year by the Federal Home Loan Bank Board relaxing liquidity requirements for savings and loan associations and increasing the freedom of these institutions to compete with commercial banks for savings. It also welcomes the legislative proposal to increase the funds available to the Federal National Mortgage Association.

It might also be desirable to facilitate gradual adjustments to a changed competitive environment by increasing the scope of the Board's authority to specify the ceiling rates on, and reserves held against, commer-

cial bank time deposits. For example, the Board would welcome greater flexibility in the extent to which reserve requirements could be used as an effective tool of monetary policy. A change in the statutory range of required reserves for time deposits (other than passbook savings) might be useful; a range of 3 to 10 percent would give considerably greater flexibility than now exists.

Increased flexibility of this kind could be utilized more effectively if the proposed amendment permitted graduation of reserve requirements by size of bank. Graduated reserve requirements, as the Board has indicated in its past annual reports, would greatly improve the competitive position of small banks. Equivalent requirements also should be extended to all insured commercial banks so that the reserve burden would be shared by all banks enjoying the benefits of deposit insurance.

It would be a serious mistake, however, at this time of great economic uncertainty—when financial markets are in a taut and nervous state and the course of future events is so largely dependent on Vietnam developments—to require by law a doubling of reserve requirements against time deposits before the end of 1966. Such a provision would reduce, rather than enhance, the Board's flexibility in meeting changing economic developments and would run the risk of generating much harsher restraint on economic activity than the prevailing situation called for.

Moreover, the Board feels it would be unwise to set the minimum of the requirement range as high as 8 per cent on deposit liabilities of fixed maturity.

On the question of prohibiting shorter maturities for time deposits, the Board sees no merit in setting a minimum as long as a year or even six months. It would unfairly penalize many small banks, especially in some Midwestern States where time deposits are customarily used in place of passbook savings accounts. It would also penalize many investors by depriving them of the choice of a financial asset of proven acceptance. A minimum maturity as long as six months is not needed to effectuate the prohibition of payment of interest on demand deposits.

Prohibiting all shorter term time deposits would force sharp adjustments in money markets. Banks are already paying close to the present 5½ per cent ceiling on 3- to 4-month money in the market for large-denomination CD's. According to our latest CD maturity survey, over 80 per cent of the outstanding large negotiable CD's will mature in the next six months. Thus, with the present ceiling rate of 5½ per cent, a prohibition against issuing CD's of less than six months maturity might cause banks to lose a large portion of these deposits over the next six months. Even with a higher ceiling on longer term CD's, banks might still lose a substantial part of these deposits, because investors may be unwilling to commit funds for as long as six months.

A sudden withdrawal of funds from the CD market would force many banks into sweeping portfolio adjustments, and under present circumstances might create chaotic conditions in the money and capital markets. Assets liquidated by banks would not necessarily be those sought by corporate funds seeking alternatives to CD's. The result might be sharp discontinuities in the supply of funds available to some sectors of the economy. State and local governments, small business borrowers, and home builders and buyers might well be the principal sufferers.

It is clear, therefore, that any proposals intended to limit the range of competition among intermediaries for small savings must be carefully drawn to avoid serious disruption of flows of funds in the well-developed money and capital markets. In this respect, the proposal to distinguish between time deposits according to their size, for purposes of establishing rate ceilings, may be worth considering. Today, large-denomination negotiable CD's and time deposits of smaller denomination sell in relatively distinct markets. Most buyers of large-denomination CD's are very large investors, including nonfinancial corporations, foreign depositors, State and local governments, and pension funds. Small denomination time deposits, on the other hand, serve as a savings medium for individuals, and as an investment medium for small businesses and municipalities.

Legislative authority for the Board to distinguish temporarily between these two markets in setting ceiling rates might in some situations facilitate actions to smooth the transitory adjustment problems of competition for savings funds in smaller amounts without disrupting flows of funds in the money and capital markets. The size of the deposit that divides these two markets cannot be stated precisely, however, and it might be possible to distinguish effectively between them, for purposes of establishing rate ceilings, drawing the line at a deposit size either smaller or larger than $100,000.

The Board believes that the determination of ceiling rates, and differentials in rates, should be left to administrative discretion, thereby permitting adaptation of the ceilings to changing circumstances. Financial market pressures can and do change rapidly; a ceiling rate fixed by law would be much more difficult to adapt to the changing credit needs of the economy. For example, the ceiling rate of 4½ percent on time deposits under $100,000 suggested in the letter of May 31 from Chairman Patman is far below rates currently available in the money market for such risk-free instruments as U.S. Government and U.S. agency obligations. It is also below the rates available from competing deposit institutions. Such a ceiling would threaten the present and future availability of funds to borrowers heavily dependent on the banking system.

Preliminary indications from a recent survey conducted by the Board indicate that such a ceiling would be injurious to many small banks. By raising their rates to over 4.5 per cent, smaller banks have been able to compete with the money market and other savings institutions. The largest percentage of banks that would suffer serious losses of funds would be those in growing areas of the country—in States such as Texas, California, Arizona, and others which for many years have had to pay higher rates on deposits in order to attract savings to capital-short areas.

Our survey also shows that banks paying over 4.5 per cent on time deposits other than large negotiable CD's report more than $6.5 billion in deposits of the type which would be restricted by the proposed ceiling. Forcing them to roll back rates offered to the 4.5 per cent level would almost certainly cause them to lose a significant portion of these funds. It would also make it impossible for them to compete effectively in the future. Such a ceiling probably would have the effect of penalizing most the growing and capital-short parts of the country, and the attendant loss of access to credit facilities by small businesses and other borrowers heavily dependent upon these banks might be more serious than the problems the Committee is now seeking to resolve.

ADDITIONAL COSPONSOR OF BILLS

Mr. TOWER. Mr. President, I ask consent that my name be added as a cosponsor of S. 3168, S. 3344, and S. 3385, and that my statements thereon appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, the Senator's name will be added to the bills, and the statements will be printed in the RECORD.

The statements presented by Mr. TOWER are as follows:

A BILL FOR A NATIONAL EYE INSTITUTE

Mr. TOWER. I am glad to co-sponsor this measure which is designed to deal with one of the largest unmet health needs in the country today—that of national eye care. The establishment of a National Eye Institute within the National Institutes of Health to deal specifically with the treatment and prevention of all types of eye diseases would definitely be a great benefit to the entire nation.

Next to cancer, blindness is the thing that Americans fear the most. It is more feared by us than heart disease, tuberculosis, polio, or the loss of limbs. The facts on blindness and eye diseases are startling. Over 38 thousand people in the United States become blind each year. There are today more than a million Americans who are functionally blind. There are another million Americans over forty who have glaucoma, one of the greatest causes of blindness, and do not even know it. Most significant of all is the fact that 80% of all blindness results from diseases whose causes are not well understood.

Since 1940, the incidence of blindness in the United States has increased over 340% and this percentage is still rising. Mr. President, government and private agencies spend more than one billion dollars annually just for the care of blindness; this does not include the great amounts spent for serious eye diseases. It would certainly make a lot more sense if just a fraction of this amount were spent in the effort to prevent blindness. The tragic fact is that only 1% of this amount was spent by government and private agencies combined last year for research and blindness prevention.

If we are to prevent an ever increasing percentage of Americans from becoming blind, the time for action is now. Yet the existing institution for doing this research, which is combined with research for neurological diseases, is actually funding less money today than just a few years ago. This fact is causing many ophthalmologists, who would prefer to do research, to go into private practice in the treatment of the diseases which they would like to prevent.

There is a tremendous need for increased research in eye diseases and their causes.

There is existing now in the National Institutes of Health the National Institute of Neurological Diseases and Blindness. Therefore, the federal government is already in the business of doing research in this field; this proposal will not be starting any new federal extension into private fields.

We have complied with the President's request for funds for heart diseases, strokes, and cancer, so we would not in the least be inconsistent in supporting a separate agency for blindness.

STATEMENT IN SUPPORT OF S. 3344

Mr. TOWER. It is my pleasure today to join in co-sponsoring S. 3344, establishing a Small Tax Division within the Tax Court of the United States.

The process now that one has to go through in order to obtain relief from the Internal Revenue Service on a matter of over-payment is simply too lengthy and too costly for most to take advantage of. Unless the sum is quite considerable, the cost in fees is prohibitive and the average taxpayer has no alternative but to leave unredeemed money that is justly his. This legislation would go a long way towards rectifying this situation. It would establish in each of the ten circuits of the tax courts Small Tax Commissioners who would individually hear complaints on

sums less than $2500. The taxpayer asking the hearing would not have to have expensive help that would absorb most of any refund that he was entitled to.

In this day when the federal government is becoming ever larger, the individual is less and less able to make himself heard. The need for this measure, as applied to the Internal Revenue field, to deal with honest mistakes is therefore of increasing importance to maintain the rights of the individual. Anyone who feels that they have made an error in computing their income tax would have recourse to this service. Equality in justice must be expanded into this field. It is certainly my hope that the Senate will give this measure swift and overwhelming approval.

STATEMENT IN SUPPORT OF S. 3385

Mr. TOWER. I wish to join in support today of S. 3385 which proposes that excess property acquired by the Agency for International Development be made available to State health, education, and civil defense agencies.

The utilization of this surplus property which was acquired by AID, will greatly help the state agencies involved and will allow for funds that would normally be used for these items to be put to other uses. This is thus a positive way for the federal government to aid these state agencies without a great new expenditure of funds. It gives the states what they vitally need but it does not involve any great new outlay of money.

This is certainly a very excellent way for the Agency for International Development to dispose of its surplus material. By following the proposed procedure, we are supplying the material to those people who need it the most. Therefore, I am most pleased to lend my support to this measure and hope that the other members of the Senate will do likewise. Expeditious consideration of this proposal is of importance to all those agencies involved.

FHA TO INSURE LOANS IN RIOT AREAS—ADDITIONAL COSPONSOR

Mr. JAVITS. Mr. President, I wish to add my name as a cosponsor of S. 3451, which would authorize the Federal Housing Administration to insure loans in areas where rioting or other civil disorders have occurred or are threatened using a less restrictive "acceptable risk" standard. It would further allow FNMA to purchase mortgages insured by FHA under the above standards. I am informed that there is a definite lack of adequate financing for the purchasing of homes by residents in many areas of the country. In these days of tight money, the problem has become even more acute for many residents. We must encourage the local ownership of homes which will add to the resident's pride in his own home and neighborhood and at the same time gradually build up a stable community leadership.

I would, however, suggest an amendment to the bill as introduced by my colleague, Senator KUCHEL. I recommend that we not include areas which "are threatened" by rioting or other civil disorder in the less restrictive "acceptable risk" standard. I am concerned that if the Secretary should determine that a certain area is "threatened" by civil disorder, this may just be the catalyst for such disorders to actually begin. Thus, I would limit the bill's applicability to areas where disorders have actually occurred.

The PRESIDING OFFICER. Without objection, the Senator's name will be added as a cosponsor of the bill.

ADDITIONAL COSPONSORS OF BILLS

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

Authority of May 25, 1966:

S. 3408. A bill to strengthen intergovernmental cooperation and the administration of grant-in-aid programs, to extend State merit systems to additional programs financed by Federal funds, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, and for other purposes: Mr. BREWSTER, Mr. CLARK, Mr. GRUENING, Mr. HART, Mr. HARTKE, Mr. INOUYE, Mr. JACKSON, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, Mr. MCGEE, Mr. METCALF, Mr. NELSON, Mr. RANDOLPH, and Mr. SCOTT.

Authority of June 1, 1966:

S. 3436. A bill to amend title XIX of the Social Security Act to assist in assuring the availability of both nursing home and alternative noninstitutional services for recipients of assistance thereunder, to encourage the use whenever professionally determined to be appropriate of noninstitutional services for such recipients, to establish basic standards of quality for nursing home and home health services provided to such recipients, and to provide for fair and equitable reimbursement for those providing health care services to such recipients: Mr. CASE, Mr. CLARK, Mr. DOUGLAS, Mr. HART, Mr. HARTKE, Mr. INOUYE, Mr. KENNEDY of New York, Mr. MCCARTHY, Mr. MORSE, and Mr. YARBOROUGH.

NOTICE OF HEARINGS ON BILL RELATING TO AMENDMENT OF SHERMAN ANTITRUST ACT

Mr. HART. Mr. President, I would like to announce that the Antitrust and Monopoly Subcommittee will hold hearings on S. 2549, a bill to amend the Sherman Antitrust Act to provide that exclusive territorial franchises, under limited circumstances, shall not be deemed a restraint of trade or commerce or a monopoly or attempt to monopolize. These hearings will be held on June 21, 22, 23, and 27. Anyone desiring to testify on this proposal should contact Charles E. Bangert, assistant counsel, Senate Antitrust and Monopoly Subcommittee.

NOTICE OF HEARINGS ON S. 3493, TO PROVIDE ASSISTANCE TO THE STATE OF KANSAS FOR THE RECONSTRUCTION OF AREAS DAMAGED BY RECENT TORNADOES

Mr. ROBERTSON. Mr. President, I should like to announce that the Committee on Banking and Currency will hold a hearing on S. 3493, to provide assistance to the State of Kansas for the reconstruction of areas damaged by recent tornadoes.

The hearing will be held on Monday, June 20, 1966, at 10 a.m., in room 5302, New Senate Office Building.

Any persons who wish to appear and testify in connection with this bill are requested to notify Reginald Barnes, assistant counsel, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, Washington, D.C., telephone 225-3921.

NOTICE OF HEARINGS ON REORGANIZATION PLAN NO. 3

Mr. RIBICOFF. Mr. President, I wish to announce that the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations will hold a public hearing, Friday, June 17, 1966, on Reorganization Plan No. 3, providing for reorganization of health functions of the Department of Health, Education, and Welfare. The hearing will be held in room 3302, New Senate Office Building, and will commence at 10 a.m. Interested individuals may contact the subcommittee on extension 2308 with requests to testify and file statements.

NOTICE OF HEARING ON S. 3353, TO AMEND THE TRADING WITH THE ENEMY ACT TO PROVIDE FOR THE TRANSFER OF THREE PAINTINGS TO THE FEDERAL REPUBLIC OF GERMANY IN TRUST FOR THE WEIMAR MUSEUM

Mr. MCCLELLAN. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled on S. 3353, to amend the Trading With the Enemy Act, to provide for the transfer of three paintings to the Federal Republic of Germany in trust for the Weimar Museum, for Thursday, June 23, 1966, at 10 a.m., in room 3302, New Senate Office Building, by the Subcommittee on Trading With the Enemy Act.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent, and it is requested that they notify the subcommittee of their intention to appear at the hearing. Notification should be directed to the subcommittee at 2226 New Senate Office Building, for the attention of Mr. Robert B. Young.

The purpose of the hearing is to determine whether the Attorney General should be authorized to transfer certain paintings to the Federal Republic of Germany to be held in trust for eventual transfer to the Weimar Museum, Weimar, State of Thuringia, Germany, in accordance with the terms of an agreement made between the United States and the Federal Republic of Germany.

The three paintings, which were vested under the Trading With the Enemy Act (50 U.S.C. App. 1 et seq.) by Vesting Order No. 8107, dated January 28, 1947, are:

First. Rembrandt: self-portrait;

Second. Terborsch: "Portrait of a Man";

Third. Tishbein: "Portrait of a Young Woman."

These three paintings were stolen from the Weimar Museum on April 18, 1922, by two unidentified German soldiers. They were eventually sold in 1934 by a German merchant seaman to a Dayton, Ohio, businessman, who kept them in his home until July 1945, when they were taken to Siegfried R. Weng, director, Dayton Art Institute, for appraisal. Mr. Weng advised the Federal Bureau of Investigation of his suspicion that these paintings had been stolen from the German museum and, upon confirmation, Vesting Order No. 8107 was issued.

The Department of Justice believes it is inappropriate to have a public sale of paintings known to have been stolen from the Weimar Museum. For this reason and because of the close relationship now existing between this country and the Federal Republic of Germany, and, finally, since these paintings constitute part of the cultural heritage of the German people, their return in the manner proposed is deemed by the Departments of Justice and State to be in the best interest of the foreign relations of the United States.

Pursuant to section 5(b) of the Trading With the Enemy Act, all vested alien property, such as these three paintings, must be liquidated, sold "or otherwise dealt with in the interest of and for the benefit of the United States." However, it is the Department's view that the authority of the Attorney General to deal with vested property "in the interest of and for the benefit of the United States" is limited by section 39 of the act, as amended, which requires that the net proceeds remaining upon the completion of administration, liquidation, and disposition of vested property shall be covered into the Treasury for deposit in the war claims fund. Thus, even without the prohibition against return of vested property to Germany or a national thereof which is contained in section 39(a) of the act, it is necessary for legislation to be enacted if the Attorney General is to be authorized to transfer these paintings to the Federal Republic of Germany in trust for the Weimar Museum.

HEARINGS ON U.S. POLICY TOWARD NATO

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I wish to announce the committee's full schedule of public hearings on U.S. policy toward NATO.

As was the case in the committee's hearings on Vietnam and mainland China, the purpose of these hearings on NATO and related subjects is educational. They are intended to focus attention on the problems facing the United States in Europe today—a Europe which is going through profound changes in political relationships. It is coincidental, but illustrative of the movement in European politics, that our hearings will open on the day that President de Gaulle begins his visit to Moscow. I share the conviction, expressed by Senator CHURCH in his report to the committee on his trip to Europe in May, that the problems we face elsewhere in the world must not distract us from the imperative need to bring our policy toward Europe into line with the changing realities of the European scene.

The hearings, which open on June 20, will be held in room 318 of the Senate Office Building.

The schedule of witnesses is as follows:

June 20, 10 a.m.: the Honorable McGeorge Bundy, president of the Ford Foundation and former special assistant to the President for national security affairs.

June 21, 10 a.m.: the Honorable C. Douglas Dillon, former Ambassador to France, Under Secretary of State and Secretary of the Treasury.

June 23, 10 a.m.: Gen. Lauris Norstad, USAF (retired), president of Owens-Corning Fiberglas Corp. and former Supreme Allied Commander, Europe.

June 27, 10 a.m.: Prof. Henry Kissinger of Harvard University.

June 28, 10 a.m.: Dr. Jerome B. Wiesner, dean of the School of Science of the Massachusetts Institute of Technology and former special assistant to the President for science and technology.

June 28, 2 p.m.: The Honorable Adrian S. Fisher, Deputy Director of the U.S. Arms Control and Disarmament Agency.

Mr. Fisher will be acting as Director of the Arms Control and Disarmament Agency on June 28 as Mr. Foster is scheduled to be at the Eighteen Nation Disarmament Conference in Geneva.

June 30, 10 a.m.: The Honorable George Ball, Under Secretary of State.

Mr. Ball will be acting as Secretary of State on June 30 as Secretary Rusk is scheduled to be abroad at that time.

NOTICE OF HEARING ON NOMINATION OF HARRISON L. WINTER, OF MARYLAND, TO BE U.S. CIRCUIT JUDGE, FOURTH DISTRICT

Mr. TYDINGS. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, June 23, 1966, at 10:30 a.m., in room 2300 New Senate Office Building, on the nomination of Harrison L. Winter, of Maryland, to be U.S. circuit judge, fourth circuit, to fill a new position created by Public Law 89-372, approved March 18, 1966.

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

The subcommittee consists of the Senator from North Dakota [Mr. BURDICK], the Senator from Pennsylvania [Mr. SCOTT], and myself, as chairman.

NOTICE OF HEARING ON NOMINATION OF W. ARTHUR GARRITY, JR., OF MASSACHUSETTS, TO BE U.S. DISTRICT JUDGE, DISTRICT OF MASSACHUSETTS

Mr. DODD. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, June 23, 1966, at 11:30 a.m., in room 2300 New Senate Office Building, on the nomination of W. Arthur Garrity, Jr., of Massachusetts, to be U.S. district judge, district of Massachusetts, vice a position created by Public Law 87-36 approved May 19, 1961.

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

The subcommittee consists of the Senator from North Dakota [Mr. BURDICK], the Senator from Illinois [Mr. DIRKSEN], and myself, as chairman.

NOTICE CONCERNING NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Ernest Morgan, of Texas, to be U.S. attorney, western district of Texas, term of 4 years (reappointment).

William W. Justice, of Texas, to be U.S. attorney, eastern district of Texas, term of 4 years (reappointment).

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in the above nominations to file with the committee, in writing, on or before Wednesday, June 22, 1966, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearings which may be scheduled.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that, on the dates indicated, he presented to the President of the United States the following enrolled bills and joint resolutions:

On June 13, 1966:

S. 2267. An act to extend the provisions of title XIII of the Federal Aviation Act of 1952, relating to war risk insurance.

On June 14, 1966:

S. 1357. An act to revise existing bail practices in courts of the United States, and for other purposes.

S.J. Res. 160. Joint resolution to designate the period beginning June 13, 1966, and ending June 19, 1966, as "Gas Industry Week"; and

S.J. Res. 161. Joint resolution to designate the third Sunday in June 1966 as "Father's Day."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14266) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1967, and for other purposes; and that the House receded from its disagreement to the amendments of the Senate numbered 1, 2, and 5 to the bill, and agreed to the same.

THE PLIGHT OF THE FARMER AND FEDERAL INTERFERENCE

Mr. DIRKSEN. Mr. President, in the June issue of the Record, which is the official Illinois Farm Bureau magazine, there appears an editorial under the signature of the very able State president, William J. Kuhfuss. In order that my fellow Senators may have the opportunity to read this compelling editorial, entitled "When Have We Had Enough?" I ask unanimous consent that it be printed at this point in the RECORD.

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

WHEN HAVE WE HAD ENOUGH?

(By William J. Kuhfuss, president, Illinois Agricultural Association)

The decisions and pronouncements by the Executive Branch of our national government are affecting farmers. The prices they receive for their products and their production plans are involved. Let's look at just a few developments since the first of the year.

1. Large sales of corn have been made by the Commodity Credit Corporation. Gardner Ackley, chairman of the President's Council of Economic Advisors, made it clear in mid-March that these sales were made to hold down the price of corn. Secretary Freeman, numerous times, has indicated that such sales were needed to "encourage" farmers to participate in the "voluntary" feed grain program. In one week in March, CCC sales reached near 80 million bushels—more than four times the amount in that same week in 1965.

2. On February 17, the Department of Defense, in line with recommendations from the USDA, ordered a six-month cutback of "at least 50 per cent" in departmental purchases of prime cuts of pork for the military in the U.S. However, general knowledge of this directive was not known until early in April. After a month of brutal questioning, the Secretary of Agriculture and the Secretary of Defense announced early in May that the Department of Defense would soon increase its purchases of pork.

3. This same Defense Department directive called for efforts to obtain meat in foreign markets for troops overseas by barter agreements, rather than shipping the beef and pork from the U.S.

4. This same February 17 department directive also ordered cutbacks in purchases of some canned fruits and a temporary stop in purchases of all canned tomatoes and corn.

5. On March 31, the press reported that Secretary Freeman, in a press conference, took pleasure in announcing a drop in farm prices and said he expected a further decline of 6 percent by the end of the year.

6. On March 31, Department of Defense cut butter out of the food rations of the fighting men in Vietnam because "prices were too high."

7. On March 31, at the request of the Secretary of Agriculture, the President increased the U.S. import quota for cheddar cheese for the period of March–June 1966, by 926,700 pounds. This is an amount equal to nearly three-fourths of the cheddar cheese imports of the preceding 8 months.

8. The administration's proposed budget called for the earmarking of $10 million of Federal extension funds for resource development. This proposal was an effort to shift Federal funds from the regular extension program to a fund for specifically-approved special "poverty" programs—a first-class example of Federal dictation over State-directed extension programs. The House of Representatives has wisely deleted this proposal.

9. The administration's proposed budget called for a reduction of $8.5 million in Federal funds for agricultural research. This proposed reduction has been deleted by action of the House of Representatives.

10. In March, the Department of Commerce imposed export licenses and tight quotas on hide exports from the United States in an attempt to reduce pressure for higher shoe prices. (In a $10 pair of shoes, less than 50 cents is for the hide.)

11. On March 31, Secretary of Agriculture Freeman announced an increase in dairy and soybean price supports in an effort to encourage greater production of these commodities so that supplies would be available for manipulation.

12. On April 27, Gardner Ackley stated in a speech before the Super Market Institute that labor is concerned about what has happened to consumer prices. He indicated that labor has been very cooperative in exercising moderation in wage demands. Then he stated that "Its (labor's) willingness to continue to accept responsible and moderate wage settlements depends in large measure on what happens to food prices."

Here again, farmers are being unjustly blamed for the current inflation. Are farmers now to be blamed for unrealistic wage demands predicated on improperly evaluated food costs? In the food marketing industry, workers' hourly earnings are now 27 per cent above the 1957–59 level, while farm prices are about 10 per cent above the 1957–59 level.

13. On May 5, Secretary Freeman announced a 15 per cent increase in the national acreage allotment for wheat for the 1967 crop.

All of the above directives or actions are made by the Executive Branch of our federal government. All of these actions have a direct effect on the price farmers receive for their products, the markets available for their products, the amount that a farmer can produce, or the educational and research programs which have contributed so much to the progress of America.

Farming is a business of risk—a risk of profit or loss, a risk of drought or flood, a risk of disease or insects. Now, we have a new risk—what will be the next executive order? More and more central authority is making a farmer likened to a puppet on the end of a string. My string is getting frayed. How is yours?

Mr. DIRKSEN. On the same subject, the plight of the farmer and Federal interference, I ask unanimous consent that an editorial from today's Wall Street Journal entitled "Do-It-Yourself Pork" be printed at this point in the RECORD.

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

DO-IT-YOURSELF PORK

The Agriculture Department, which got into trouble with farmers recently by seeming to push for lower food prices, may now be heading for a hassle with hog-raisers. For the Department is trying hard to encourage do-it-yourself pork.

While the effort is aimed mainly at impoverished residents of Appalachia, the Department contends that its advice "can be used almost everywhere in the United States." According to its bulletin, "You can raise hogs on your place for less money per pound of pork than it takes to buy pork for your family."

Perhaps that's true now, though there are neighborhoods where amateur hog-raising would produce social if not economic problems. The proposal, however, does seem strangely timed, in view of the Department's current efforts to convince farmers that it really is on their side after all. At the moment, professional hog production is on the increase, and Government economists are predicting possible sharp reductions in hog prices by the end of this year.

There's no way to tell how many people the Department will persuade to grow their own pork. But this sort of activity, together with some other present Federal programs, may convince a lot of farmers that they would be better off with more do-it-yourself and less help from Washington.

FOURTH OF JULY RECESS

Mr. MANSFIELD. Mr. President, under the tentative schedule which was announced early in the session, it was planned, by the joint leadership, for the Senate to go over from the close of business, Friday, July 1, until noon Wednesday, July 6. It has come to my attention that there is some sentiment in the Senate and the press galleries that a return in the middle of the week of July Fourth is unwarranted in view of the scarcity of items on the calendar and the general disposition these days to move legislation forward with a businesslike dispatch.

Members have also reminded the leadership from time to time that a mid-year break, so to speak, is a matter of reasonable equity, particularly for younger Members whose wives and children are denied the company of husbands and fathers even for a short vacation together. Finally, the leadership notes the widely held and scientific view that a break of this kind is a matter of good operating procedure since Members will return refreshed and replenished, so to speak, prepared to complete the work of the session in committee and on the floor with greater efficiency and effectiveness.

The distinguished minority leader, Senator DIRKSEN, and I have discussed these considerations at some length. It is our joint view that, if the Senate is agreeable, the previously announced recess over the Fourth of July will be extended, although the specific dates cannot be announced at this time.

The House has already indicated its intention of going over for a rather longer period than we feel the Senate can take. Our colleagues on the other side of the Capitol are warranted in so doing. So far this session, they have made great progress on the President's legislative program in committees and on the floor. Perhaps we can work out some joint arrangement or by joint arrangement, meet the specific needs of each House. We shall see. At this point, the joint leadership does wish to announce its intention of extending the recess through the balance of the week of July 4.

It would be our hope that Members will avail themselves of this time to rest, to relax and, in the case of the younger Members with growing families, to get acquainted with their wives and children.

Mr. DIRKSEN. Mr. President, I agree with the majority leader. To return after the holiday in the middle of the week could only be a rather fruitless experience, and very little would be accomplished. I fully concur in the proposal made by the distinguished majority leader that the recess be extended

to include the remainder of the Fourth of July week.

I believe the time that we go out remains substantially the same; namely, at the conclusion of business on Friday, July 1. But this agreement would extend the holiday, and give Senators ample flexibility.

URGENT NEED FOR PROMPT ACTION BY CONGRESS TO IMPROVE PRICE STATISTICS

Mr. PROXMIRE. Mr. President, it has been said that an army is no better than its intelligence.

This is surely an overstatement; but we all know that in any kind of action the accuracy and reliability of the information on which policy decisions are based are the first essentials for sound policies.

This Government, the Congress, as well as the President, has made and will make serious policy errors because our statistical information is not accurate, or timely or comprehensive enough.

This is particularly true with price statistics. Business and labor use these statistics in making most of their vital decisions. The President and the Federal Reserve Board use them as the basis for decisions on tight money, tax policy, and in many other areas.

And yet there is considerable question about their adequacy. I say this as chairman of the Statistics Subcommittee of the Joint Economic Committee and after hearings in which our subcommittee listened to testimony by the Nation's outstanding experts on price statistics.

The Bureau of Labor Statistics is asking Congress for a sharp improvement in price statistics. On the basis of these hearings there is every reason for the Congress to respond to the BLS recommendations.

Two recent articles based on our hearings say why:

First, the remarkable Sylvia Porter—as clear an exponent of commonsense economics as we have in this country, said why in a recent column and I ask unanimous consent that the column be printed at this point in the RECORD.

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

"PRIMITIVE" PRICE STATISTICS?

(By Sylvia Porter)

Millions of us study the government's Consumer Price Index when it comes out each month. This is our only measure of changes in the U.S. cost of living; economic policy decisions affecting the lives of all of us are based on its fluctuations.

Yet this index doesn't even price auto installment loans and other personal finance charges, although when these rise sharply, as they have been doing, families from coast to coast are hit in the pocketbook. It relies on second-hand sources for costs of purchasing a home or buying a used car. These are pretty bad gaps in an index of this pervasive influence.

Every policymaker in government, business and labor analyzes the government's Wholesale Price Index when it comes out each month. This is our measure of changes in the wholesale prices of 2,200 items; up or down movements in this index often signal in advance up or down movements in our entire economy.

Yet this index virtually skips price changes in such industries as electronics, plastics, aircraft. It relies on price reports from sellers, thus frequently understates or overstates price changes because sellers are reluctant to disclose premium charges or special discounts. Such limited coverage and lack of precision are intolerable in an index that exercises such enormous power on policies.

The timeliness of both indexes is imperative, for the statistics help determine whether and when steps are to be taken to fight inflation or deflation.

Yet the Wholesale Price Index is not released until three weeks after the survey date and the Consumer Price Index is not released until nearly a month after the survey month. In this era of the computer, these delays are indefensible.

Late last month, a subcommittee of the Joint Economic Committee headed by Senator PROXMIRE (D-Wis.) held hearings in Washington on the adequacy of the government's price statistics. The hearings didn't make headlines but they should have.

We are, mind you, relying on the price indexes to tell us how much inflation we're experiencing. The President and the Federal Reserve are using them as a guide to income tax and tight credit policies. The whole world is watching them.

* * *

How good, then, are the statistics? In the words of Commissioner of Labor Statistics Arthur M. Ross, they "undoubtedly reveal the direction of major price level changes," but, "in view of the demand for more precise measuring tools," they're just not good enough. In a lengthy paper, Ross detailed such faults as I've pinpointed above and listed many more.

As another illustration, the CPI prices 400 items in the market basket of a city worker's family, which just about eliminates the living cost trends of our millions of elderly. But we know that the elderly spend a much larger share of their incomes for food and medical care than the average city family spends, and that when food prices and medical costs are rising rapidly the elderly are hurt most. The index doesn't trace this, though.

The Bureau of Labor Statistics will expand the monthly WPI coverage from today's 52 industries to about 115, Ross revealed, and it will improve its weekly WPI as well.

It will collect price data from buyers of such products as metal and machinery to get "the terms of actual transactions, which often differ significantly from list prices in periods such as the present." (Quite an admission indeed!)

It will computerize and accelerate release of the indexes.

Over the longer run, when and as it gets time and money, the BLS will attempt to close the other serious gaps.

There's no disputing that, as PROXMIRE said, "no country has better price statistics than the U.S." There's no disputing either that we are trying to manage a highly complex and sophisticated economy with statistics which are still, in many ways primitive.

Mr. PROXMIRE. Mr. President, second, Business Week in its June 4 issue sets forth an excellent analysis of price statistics and why they are difficult to measure and I ask unanimous consent that this article be printed in the RECORD at this point.

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

INFLATION ISN'T EASY TO MEASURE—BLS CHIEF URGES 5-YEAR PROGRAM FOR WIDER, MORE SENSITIVE PRICE INDEXES

Whenever the nation faces inflation, the first question that economists ask is how to measure it. Usually, the question produces a dispute among the experts. But this time the argument may lead to real changes in the way the nation measures prices and their movements.

The figures, as the charts show, invite skepticism. For about seven years, the wholesale price index had been almost flat, climbing only 2.5%, and that mostly in 1965. Over the same stretch, the consumer price index had shot up 9.9%; the gross national product deflator, used by the government to adjust GNP to constant dollars, had risen even faster, by 11.2%.

The confusion persists. In the past 12 months, wholesale prices rose 3.7%, while the consumer index moved up only 2.9%, and the deflator slowed to a rise of 2.5%.

Last week, a subcommittee of Congress' Joint Economic Committee summoned government officials and private economists to answer the nagging question: Just how good are the U.S. price statistics?

Few differences. The experts showed more unanimity of opinion than the figures, though they had their shades of difference. They found that the indexes had been good enough for policymakers during the first years of this expansion, while prices held fairly level. They did an adequate job of spotting the direction and, within limits, the extent, of significant price changes. But now the decision makers, both public and private, need more sophisticated and reliable measures.

Said Solomon Fabricant, of the National Bureau of Economic Research: "If I were given the responsibility of diagnosing inflation, I would want to begin with a better list of indicators than we have now."

The demand for better numbers has been a constant cry among economists—even though U.S. economic data is generally conceded to be the best in the world. Indeed, some of the improvements called for last week have been kicking around for years—broader coverage of all indexes, reporting of actual rather than list prices for the wholesale index, quicker statistical allowance for new products, and more rapid publication of figures.

I. SIGNS OF CHANGES TO COME

But the hearings last week gave strong hints that the government is about to act. Commissioner Arthur M. Ross of the Bureau of Labor Statistics and Assistant Budget Director Raymond T. Bowman indicated the government intends to go its critics one better.

Ross presented a five-year program that he said would reconstruct U.S. price statistics. He proposed a "comprehensive price index system" that would give a new insight into how price movements work their way through the complex industrial structure of the economy. This would be accomplished by an input-output matrix, which can trace the way price changes in one sector affect costs in other sectors.

The program would build on the 86-industry input-output table developed in 1964 by the Commerce Dept.'s Office of Business Economics. That table shows how a rise or fall in demand for the output of one industry can change demand for output in other industries. The same general system can show how a rise or fall in prices affects costs throughout the economy.

The new matrix would include price changes in such sectors as transportation, services, construction, and exports, which have never all been covered by any single U.S. index.

Getting the funds. Ross, who came to the BLS only last October from the University of California, seemed fairly confident that the White House would approve his five-year program. And Senator WILLIAM PROXMIRE (D-Wis.), who sits on the Appropriations Committee as well as chairing the subcommittee on statistics, promised to smooth

the way in Congress for an eventual tripling of the $6-million that the government now spends annually on price data.

While waiting for his five-year program, Ross is ready with a quick plan that he wants to start right away. It calls for:

Broader coverage of weekly wholesale price changes. The present weekly BLS index lists only 300 items—all from secondary sources—compared with the 2,200 items in the monthly index, drawn from all sources. Ross wants more primary data in the weekly series, and more coverage of metals, chemicals, and machinery.

More computerization to reduce the time lags between the collection and publication of BLS data.

A whole new series of wholesale prices to show movements in each industry's output. The wholesale index now lists only commodity prices—such as fuels, furniture, hides, and textiles—which cut across industry lines. So far, the bureau has run only an experimental series for 52 individual industries. Ross wants to expand this to 115 industries, on a monthly basis.

II. MAKING DO FOR NOW

Until the BLS achieves its final target, or some reasonable facsimile, economists will have to get along with the same old figures. Indeed, much of the discussion before the Proxmire group was on how to interpret the existing indexes.

It was almost unanimously agreed that the consumer price index is the best measurement for existing price inflation—and the economists had few doubts that labor would use the index's recent rises to demand cost-of-living adjustments in the months ahead. Past criticisms of the consumer index had been pretty well answered by the 1964 revisions of the series, bringing in better methods for including new product prices.

Charges of a "quality bias" in the consumer price index seem to have subsided. Previously, many economists—including the Council of Economic Advisers—had insisted that BLS failed to adjust the index downward enough to allow for quality improvements. Thus, they argued, the index moved up too fast. In 1961, a group of academics headed by the University of Chicago's George J. Stigler called this "the most important defect of these indexes." Four years later, the Council of Economic Advisers said that none of the price indexes could "reflect all of the improvement that occurs in the quality of goods."

Last week, most of the experts were ready to agree that the charges of quality bias had been exaggerated. Lazare Teper, director of research for the International Ladies' Garment Workers Union, scored his professional colleagues for the "mass of uninformed comment" on quality. He argued that the improvement of quality in some products is more than balanced by deterioration in others, like in services.

The longer view. While the consumer price index is deemed a better yardstick for current inflation, the wholesale index is considered a better barometer for what lies ahead. Because inflationary pressures develop first in wholesale prices, their index gives an early warning of overheating in the economy.

Thus, in the last half of 1965, after eight nearly flat years, the wholesale index moved up sharply, by 2.6% at an annual rate. For the same stretch the consumer index rose at a mere 1.6% annual rate, not much more than its usual rise during this period of expansion.

It took several months for the rise in wholesale prices to work through the economy and onto the retailers' shelves. But now, consumer prices have caught up to the wholesale rise, and are even going up faster; from January to April, the cost of living climbed at a 3.9% annual rate, while the wholesale index had calmed down a bit to an annual upward rate of 2.7%.

Something better. Despite this performance, few economists are really satisfied with the early warning system of the wholesale price index. The most frequent criticism is that it relies mainly on list prices, and thus misses changes in discounting which might provide an even better tip-off on incipient inflation. Many experts say that the BLS proposal last week to start collecting prices from buyers was long overdue.

Criticism of the GNP deflator—prepared by the Commerce Dept., not the BLS—reflects in part the problems of the wholesale and consumer indexes, which are both ingredients of the more comprehensive deflator. But the deflator has another problem, precisely because it is more than a pure price index. It includes a price factor for government services, not covered in the other indexes. In the deflator, the price of government services reflects changes in the wages paid by government, without allowance for improvements in productivity. Experts claim this gives the deflator an upward bias.

Whatever the limitations of the indexes, analysts by now have a good idea of how to compensate for the biases. Last week, PROXMIRE asked Ross if he weren't being a little too modest about the BLS work. Said Ross: "Well, perhaps, Senator. We really have a damned good set of indicators. In fact, the best in the world."

Mr. PROXMIRE. Mr. President, also, in an article that appeared well before the hearings, Shirley Scheibla in Barrons' has made an unusually competent analysis of the problems involved and the shortcomings of our present price statistics and I ask unanimous consent that this article "What's in an Index?" be printed at this point in the RECORD.

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

WHAT'S IN AN INDEX?—FOR SOME PURPOSES, OFFICIAL STATISTICS JUST DON'T ADD UP

(By Shirley Scheibla)

Writing in The Wall Street Journal last Thursday, U.S. Commissioner of Labor Statistics Arthur M. Ross detailed the unhappy lot of the government statistician. There's much to criticize, he said, in the federal Consumer Price Index, not least of which is the necessary, if arbitrary, evaluation of quality improvement in the products whose prices it reflects. "I hope," Dr. Ross noted wryly, "I will never have to decide whether Anacin or Bufferin produces less stomach acid." By and large, however, the Labor Department's new boss of the Bureau of Labor Statistics—who has his own share of headaches—defended BLS and, by implication, other official indexes and indicators, as the best tools an admittedly "inexact science" can come up with. For a "really reliable economic indicator," the Commissioner, with tongue in cheek, offered this: "If the unemployment rate is being criticized and debated, the country must be in a recession; but if controversy is centered on the Consumer Price Index, business conditions are good and people are worried about inflation."

WHAT, ME WORRY?

Of course, BLS isn't Washington's only font of financial facts and figures. The Treasury Department, for example, uses neither of the two most popular BLS indicators—the Wholesale Price Index (WPI) and Consumer Price Index (CPI)—when it considers prices, because, as the Assistant Director of the Office of Tax Analysis, Thomas F. Leahy, recently explained, both leave out export-import data and government purchases. Instead, when Treasury Secretary Henry Fowler estimates inflation for the President's budget-makers, his source is the Commerce Department's much-maligned Gross National Product (GNP) index—which in turn relies on a statistical device of its own called the "deflator" that no one around town quite knows how to explain.

Needless to note, a consequence of all this is confusion: ask not what your rate of inflation was in 1965. According to that GNP "deflator," it was 1.7%; Secretary Fowler opted the other day for a figure of 1.9%; meanwhile, the CPI rose by 2% and the WPI, by 3.4%.

Accordingly, BLS can't be blamed for everything that goes wrong in Washington's computers. But the bureau is influential far beyond its fame: in fact, it ranks as the primary source of statistical input for the President's Council of Economic Advisers, assorted White House speechmakers and, it appears, the Chief Executive himself. Hence its data are employed to devise, and then to justify, such all-important Administration decisions as those resulting in the wage-price "guidelines," the identification of pockets of U.S. labor shortages, the promotion of expansionist policies to deal with unemployment elsewhere and perhaps above all, the strategy of fighting LBJ's war on poverty.

Still more pertinent to the private sector, finally, BLS indicators are in everyday use (and misuse) by industry's contract-negotiators and economic planners—men whose needs are more precise than the government's and whose decisions (and mistakes) cost an even greater number of billions of dollars. That's quite a responsibility for statistics which may not be up to snuff. For wintry Washington today, more than ever, it can fairly be said that when BLS sneezes the whole economy can catch cold.

For all its potential anonymity, the bureau provides an interesting mix of what's new and old in Potomac politics. As a federal agency, BLS is relatively ancient, tracing its heritage back to 1884 when it was established by President Chester Alan Arthur—some three decades before Woodrow Wilson gave it a parent by setting up the Labor Department. Today as one of the few visible vestiges of the three-year Arthurian era, BLS also boasts a brand-new boss.

IMPORT FROM BERKELEY

Commissioner Ross is not really new to Washington; his long career in industrial relations covers several hitches in federal service, during and since World War II. But the Commissioner's main experience has been as a professor at the University of California, and he comes to his current job hot off the Berkeley campus. Beardless but ambitious, the 50-year-old Dr. Ross took one look around his office, opened his black bag, and announced plans for making some radical changes in everything from how to count hours and earnings to, and particularly including, how to compile those previously sacrosanct BLS indexes.

Commissioner Ross has his work cut out for him. The tools which BLS fabricates for public and private use include data on wages, hours, work-weeks and productivity. Especially headline-catching during the Johnson Administration have been the bureau's statistics on unemployment. Not least—indeed, urgently awaited—will be an export-import price index BLS now is striving to work up. Finally come the forementioned WPI and CPI, two of the most widely used tools in and outside the government.

TOOLS TO TALLY WITH

Let's look at each in turn. To begin with, in its studies on hours and earnings, BLS doesn't include fringe benefits, but its FY 1967 budget has earmarked $308,000 for just this purpose. The job won't be easy. The bureau will have to rely on information from employers, many of whom themselves are struggling to evaluate such costs. In 1963, the U.S. Chamber of Commerce studied fringe

benefits paid by 1,150 companies, and found they ranged from 7% to 70% of total payrolls.

The Bureau also plans to develop data on annual earnings. Presumably, such data would be useful for powers-that-be in the poverty program. (Currently, only weekly and hourly earnings are compiled.) And it has asked Congress for another $267,000 with which to study white-collar salaries.

As to productivity, BLS's own economists are dissatisfied with their results. Says one: "Productivity never has been developed with care and precision, like the CPI, because we started using it too soon." They'd like to spend $102,000 in FY '67, to lump in categories of service employment now omitted, such as retailing, wholesaling, finance, insurance, transportation and domestic help. Meanwhile, President Johnson's wage-price guidelines undoubtedly suffer the consequences of an inadequate base. In truth, BLS's productivity index today merely compares Gross National Product (excluding government's share) with total hours worked.

WHAT PRICE PRODUCTIVITY?

That leads to trouble. When a company puts in new machinery, it may find that labor costs go down, relative to production; thus, it has a rise in productivity, but not one for which workers necessarily are entitled to a raise. The government, however, takes another view. "That," says one official, "means an extra profit, and that's what we're after for labor. We say industry can give wage increases, to the extent of that extra profit, without raising prices."

On the other hand, a company with productivity below the national average also may face a strike if it doesn't boost wages in line with "national" trends. Concedes BLS: "Although an output per man-hour index relates output to man-hours, the index should not be interpreted as representing only the contribution of labor to production. Rather, it reflects the combined influence of many things, such as changes in technology, capital investment, rate of plant utilization, managerial efficiency and scale of operations, as well as skill and effort of the work force . . . The meaning of index changes should be interpreted with caution, keeping in mind conceptual and practical limitations, as well as the possibilities of statistical error."

Beyond productivity, Uncle Sam counts on BLS for its tally of the unemployed. Here, too, fallible statistics come in for flamboyant misuse. As one example, the Council of Economic Advisers (which compiles no statistics of its own) has seized on BLS's unemployment figures to justify stimulating the economy. Last June, when BLS reported the figure at 4.7%, CEA sounded the alarm. BLS's fine print cautioned, however, that over one-third of the non-workers were young adults, mostly unskilled, and not in the market for full-time, long-term jobs.

"You've got to be careful," an official warned at the time. Expanding (the economy) to take care of these young people won't solve their problem, and could create inflation." CEA's rejoinder was elemental: expansion surely would correct unemployment. Now, with inflation more than just a threat, the President's advisors seem to be paying more careful heed to BLS interpretations of its own data.

In its 1967 budget, what's more, BLS ask for the funding of studies aimed at improving employment data. "Right now," says a BLS man, "we don't classify employment statistics by occupation, except for a few broad categories." Some $195,000 has been set aside to correct this situation. In addition, BLS is cooperating with other agencies in plans to compile figures on job vacancies as reported by employers. The project, hopefully budgeted at $2.5 million, could overcome some of the mischief done by unemployment figures collected from workers. (Last year, after hearing AFL-CIO objections, Congress turned a like proposal down.)

For another $122,000, BLS says it would try to answer such questions as why unemployment is high among young workers, how it can be reduced by training and placement, and how the market is matching workers to jobs. BLS officials already have met with CEA, as well as Commerce Department and Pentagon planners, on ways to ease the problem—through draft deferments, revised immigration quotas and new government training programs where labor is short.

So much for jobs, and their lack. Billions ride on the BLS Wholesale Price Index. A recent user survey showed, indeed, that $12 billion in contracts with escalation clauses are tied to the WPI. (Most of these are long-term, and call for price increases whenever the WPI shows a rise in a particular material.) Dating back to 1890, the WPI now covers prices for 2,200 commodities in 60 industries, obtained from sellers' lists. This part of BLS's activity runs to a budgetary outlay approaching $900,000 a year.

Many economists feel, however, that by reflecting only list prices, the WPI may be understating inflation. In today's sellers' market, buyers often find discounts eliminated and must absorb transportation costs as well. This can mean inflation for the buyer, but not for the index. Then, too, in industries such as heavy equipment, where much is custom-made, the disparity between list and actual prices can be great. Of course, when list prices are being charged only a few buyers, sooner or later they are changed, and the WPI catches up. But a substantial lag exists in reflecting both inflation and deflation.

Apart from the WPI, BLS now is preparing to develop an export-import price index, as noted. Says one official: "The WPI is not a good indication of what foreigners have to pay in our market. For some items, like refrigerators, the products are specially made—smaller, or carrying different electric current, for example—and under Public Law 480, foreign buyers don't pay the prices Americans do." BLS is working with the Treasury, the Federal Reserve Board and the Commerce Department to find the most useful way to set it up. After this is determined, it will be a year before the index is formulated and introduced.

Most widely known of all BLS indexes, of course is the CPI—everyone's official measure of consumer prices. It's even more. For 20 years or so, BLS has been telling the public that the CPI is not a cost-of-living index, but nobody listens. Even White House spokesmen cite it to "prove" that living costs aren't getting out of hand. Since 1945, it's been a fact of life for industrial wage-bargainers too. In that year, General Motors and the United Auto Workers' came to terms (in Labor Secretary Lewis Schwellenback's office), on the first contract ever to use the index as a basis for cost-of-living adjustments. To this day, GM-UAW contracts carry CPI-based "escalator" provisions.

By 1960, contracts tied to the index covered an estimated 4,000,000 workers. When the CPI failed to climb for a few years, however, many unions switched to other means of exacting the same concession from management. Today, accordingly, contracts with CPI escalation clauses cover just 2,000,000 workers. At the same time, BLS acknowledges that a "great number" of rent contracts have riders tying them to the CPI. Usually, of course, they call for yearly rent increases, in line with any rise in the index. Against perennial criticism, Commissioner Ross replies that the CPI "is good enough that management and labor can use it safely . . . the Federal Reserve Board can use it profitably . . . and the Congress can use it intelligently. . . ."

How does BLS compile this highly significant index? Every 10 years it surveys spending habits of blue-collar and clerical workers in large cities, to establish what it regards as a mythical average family's "market basket." Ignored in the process among others, are the single, the self-employed, the salaried, the aged, the poor and the jobless—to say nothing of all the people living in small towns or down on the farm. That's quite a chunk of the population. Nonetheless, one man's "market basket" becomes everyman's.

Once established, each item in the basket is weighted according to its estimated importance in this "family's" budget. BLS then records monthly price changes for these items. The result is that a 2% rise in "the cost of living"—last year's experience—means nothing more than a 2% rise in the cost of what the mythical family was supposed to have bought at the store.

The last "market basket" revision took place in January 1964. Food's weight, for one thing, went down from 28% to 22%. A number of constituent items, considered relatively passe, dropped out: macaroni, corn meal, canned lunch meat, lemons, lard, toasters, sewing machines, nightgowns, razor blades, auto brake-relinings, dungarees and light bulbs. Reflecting the changing times, others were added: false teeth, golf fees, film developing, piano lessons, TV tubes, phonograph records, dog food, parking charges, bus and taxi fares, airline tickets, earrings, baby-sitters, moving expenses, power lawnmowers, aluminum chairs, air-conditioners, instant mashed potatoes, skim milk and ladies' slacks.

For strict comparability, CPI items shouldn't change at all, of course, but this wouldn't make sense either. To include just those popular when the index began (in 1921) would mean exclusion of a large part of today's actual consumer purchases. It's a tricky business, nonetheless. For instance, when housewives traded in their wringer washing machines for automatics, the latter were priced twice as high as the earlier models. How to weight this in terms of real value? BLS conveniently decided that automatic machines improved quality by 100% and, therefore, held that prices for washing machines had not increased at all. Without any hand-wringing it simply substituted automatics in the "market basket" one-for-one.

For balance, it would seem, BLS ought to couple quality deterioration with quality improvement. The bureau says, however, that this factor is left out, since it simply cannot be gauged. As one official put it: "Many quality decreases come in the service area, and how in the world can you measure that?" The problem is an old one. In 1944, the President's Committee on the Cost of Living stated:

"BLS has always recognized the difficulty of measuring quality changes . . . for the better or for the worse . . . (The reason) is that for a great many things we buy there is no fixed standard of quality. Under the exceptional market conditions which exist in war-time, and so long as we have a sellers' market, allowance should be made for a hidden increase in the cost of living of probably as much as three and certainly not more than four percentage points, due to quality deterioration, disappearance of cheaper goods, decrease of special sales and increases in under-reporting of prices actually charged." The bureau itself calls it "axiomatic that no one definition of quality ever will be universally accepted."

NEW MAN IN TOWN

All of these problems in computing statistics, on which so much hinges in the Great Society, now are piled atop the desk

of the new man in town, Commissioner Ross. As noted, he seems to have brought zeal as well as experience to the task. With regard to the CPI, for example, Dr. Ross has several things in mind. He would introduce additional quality changes (if "sufficiently measurable"), add newly popular items to the "market basket" more promptly, correct the index for seasonal variations and extend the sample to reflect population groups not now included.

But Dr. Ross has concentrated most of his attention during his few short months in office on the equally important wholesale index. For one thing, he'd like to obtain actual transaction prices, not listed ones. Sellers, however, already are reluctant to go along with BLS, which, unlike regulatory agencies, has no enforcement power. The Bureau may have to ask buyers for the information, which would be expensive (there being so many more buyers than sellers). Even they may balk. During World War II, buyers flatly refused to give such information to the Office of Price Administration. What's needed, experts agree, is an educational campaign: good statistics, after all, would help everyone. There's even a possibility that private financing of such a service might be feasible, though no plans are afoot.

Commissioner Ross also wants to compile wholesale prices industry-by-industry. But working these into the WPI could cause more trouble. A sudden change in the index might play havoc with contracts tied to it. Mr. Ross replies that it could be done gradually, the index reflecting only "actual" price action and not the latter measured against list tags. Whatever he may decide, the statistical maneuver would be delicate and complicated.

GETTING HELP

Finally, he'd like not only to quadruple the WPI's coverage—besides the present 60 industries, indexing "a couple of hundred more"—but also to include prices paid by the nation's largest wholesale buyer, the U.S. Government. That conceivably could give the index a stature (and accuracy) sufficient to put it into the GNP in place of the Commerce Department's "deflator"—and help economists still more. From all accounts of the state of statistics today—not least those of the BLS—the New Economists can use all the help they can get.

JEC SUBCOMMITTEE RECOMMENDS FUNDS FOR JOB VACANCY STATISTICS

Mr. PROXMIRE. Mr. President, last month I was privileged as chairman of the Statistics Subcommittee of the Joint Economic Committee to hold hearings on the practicality of gathering and publishing job vacancy statistics.

The six witnesses appearing before the subcommittee are among the most highly qualified experts in our country on job statistics. The testimony was based on a series of pilot studies of the practicality of such statistics, including a thorough analysis of the privately financed experience in gathering job vacancy statistics in Rochester, N.Y., and an analysis of the work of the Department of Labor from 1964 to date in 16 major labor areas involving about one-quarter of the national labor force.

Commissioner of Labor Statistics Arthur Ross told the committee:

The lack of vacancy information constitutes the most significant gap in our knowledge of labor market conditions.

The findings of the pilot studies are that a program of job vacancy collection is feasible; the cooperation of employers excellent; and the technical problems of vacancy definition and sampling can be coped with effectively.

Of course, this additional work will cost money. Estimates are between $5 and $8 million. The Department of Labor will request the Congress for $2.5 million to expand the collection to a quarterly basis for about 80 major labor areas.

These cost estimates can perhaps be put into perspective by calling attention to the magnitude of some of the potential benefits of the job vacancy data. If the $2.5 million program led to slightly more efficient use of the several billions of dollars appropriated to manpower development, the investment would pay handsomely. If it enabled unemployed or underemployed workers to find productive jobs, the investment would pay a private dividend to the individuals; it would pay a public dividend in the form of additional tax dollars and lower welfare payments; and it would pay dividends in terms of greater real national output.

This is the basis for the subcommittee's recommendation to the full Joint Economic Committee of the $2.5 million which the administration will request but which can expect to find a difficult reception in the Appropriations Committees based on previous experience.

I ask unanimous consent that the excerpt of the concise report of the subcommittee be printed at this point in the RECORD.

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

JOB VACANCY STATISTICS

INTRODUCTION

Hearings on job vacancy data, held May 17 and 18, were designed to review developments subsequent to the recommendation of this subcommittee in its report on "Employment and Unemployment" of January 1962. The recommendation called for research into the feasibility and usefulness of a regular survey of job vacancies. Such information was thought to be useful "in analyzing labor markets, in operating employment services, and in developing practical worker training and retraining programs * * *."[1]

The subcommittee was not alone in proposing research on job vacancy information. In 1962, the President's Committee To Appraise Employment and Unemployment (also known as the Gordon Committee) wrote:

"The Committee has been impressed by the widespread interest in statistical series on unfilled jobs. The present lack of such data constitutes one of the more conspicuous gaps in our labor-force information."[2]

The subcommittee, as part of its continuing program for improved statistics for economic growth, last year asked individual economists, representatives of interested private organizations, and statistics users for suggestions on the improvement of Government statistical programs in general. A number of respondents mentioned that one of the major opportunities for improving economic knowledge lies in providing statistics which would show, as currently as possible, the number and types of job vacancies. Some correspondents cited the usefulness of job vacancy data in guiding public and private training and retraining programs; others suggested that data on job openings would give a better picture of current opportunities in the labor market. The point was made that even when unemployment is high, certain jobs go begging, but that no reliable information now exists on the number, location, or type of these jobs.[3]

The comments received from the individuals and statistics users were later submitted to the Office of Statistical Standards for comment. They, in turn, obtained the comments of the Government agencies concerned with the several suggestions. After studying these proposals, the Bureau of Labor Statistics last fall summarized its conclusions about job vacancy data in these words:

"The Department has made pilot studies of the feasibility of collecting job vacancy information from employers and of the questionnaires and survey designs most appropriate for doing so. These studies clearly indicated that such a program is feasible. The Department is continuing to work on a number of problem areas, including the task of getting accurate occupational data for the vacancies, evaluating the data to determine whether jobs are vacant because of the wage rates or conditions of work offered, and the general problem of developing a survey system to provide the data at minimum cost."[4]

The subcommittee believes that it is particularly appropriate to review the possibilities for better job market information at this time. The present inflationary pressures and relatively high level of employment make it more essential than ever to improve the efficiency of the labor market.

I. USES OF JOB VACANCY STATISTICS

Commissioner of Labor Statistics, Arthur Ross, testified:

"The lack of vacancy information constitutes the most significant gap in our knowledge of labor market conditions. Statistics on job vacancies would give us a measure of unsatisfied demand for labor which, together with our data on employment, would provide a more complete measure of the demand for labor—something we have never had before."[5]

Operational uses

Job vacancy statistics would have the following operational uses:

(1) Vacancy data would disclose unmet needs for workers in a wide range of occupations, and would indicate training requirements in such programs as those provided by the Economic Opportunity Act and the Manpower Development and Training Act which states that the Secretary of Labor "shall determine the skill requirements of the economy * * *."[6]

(2) Job vacancy information, collected in the pilot studies, has been used for establishing vocational training courses for both adults and high school students.

(3) Vacancy information has also been used in counseling workers and others about

[1] "Employment and Unemployment," report of the Subcommittee on Economic Statistics, January 1962, p. 6.

[2] Measuring Employment and Unemployment, President's Committee To Appraise Employment and Unemployment Statistics, 1962, p. 25.

[3] Improved Statistics for Economic Growth: A Compendium of Views and Suggestions From Individuals, Organizations, and Statistics Users, materials submitted to the Subcommittee on Economic Statistics, 1965.

[4] Improved Statistics for Economic Growth: Comments by Government Agencies on Views Submitted to the Subcommittee on Economic Statistics, March 1966, p. 44.

[5] Arthur M. Ross, testimony before the Subcommittee on Economic Statistics, May 17, 1966.

[6] Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2571–2620), p. 6.

to enter the job market as to their opportunities.

(4) Vacancy data would aid the Employment Service in matching unemployed and underemployed workers with available job openings. This would apply both to placements within areas and among areas. In the later instance, the data would aid in bringing employees in labor surplus areas into contact with employers in labor shortage areas, and vice versa.

(5) Vacancy statistics have been useful in helping Employment Service staff to structure their contacts with employers more effectively.

(6) Job vacancy information can be used by business firms to get a picture of the area in which they are recruiting workers, and thereby develop more effective recruiting policies. This would be especially valuable to firms considering new plant locations.

(7) The survey of job vacancies might stimulate firms to improve their efficiency through more conscious manpower planning.

(8) Such information could be of equal value to labor organizations in evaluating the demand for the services of their members and in developing policies for training, apprenticeship, and collective bargaining.

(9) Information on job openings is essential for the operation of any program designed to assist in the geographic transfer of workers, as is now provided on a pilot basis by the Manpower, Development, and Training Act.

(10) In addition, such information would enable more effective programs to deal with plant closures.

Analytical uses

In addition to their contribution to ongoing programs, job vacancy data, when used in conjunction with information on employment, unemployment, labor turnover, and hours of work per week, would be useful in analyzing current economic situations and in making major policy decisions dealing with manpower development, unemployment, labor shortages, and inflation. Vacancy information would have the following analytical uses:

(1) Vacancy data could be useful in predicting the occupational needs of the Nation.

(2) Vacancy statistics could serve as a leading indicator of the level of general economic activity.

(3) The Commissioner of Labor Statistics has indicated that vacancy data would aid in the preparation of regular reports to the President on current manpower shortages.

(4) Vacancy data would indicate tight labor markets and thus serve as a signal of imminent wage increases.

(5) Information on job vacancies would be an indication of the ability of the economy to undergo the stress of structural change; for example, rapid defense buildups, or layoffs in employment stemming from shifts in demand or technological developments.

(6) Vacancy data and trends in these data by occupation, industry, and area would be helpful in determining the extent to which aggregate demand could be increased without wage and price inflation. However, it seems unlikely that such information could identify the causes which led to a given stock of unemployment.

It is impossible to foretell all of the analytical uses of the vacancy data since they will be used extensively in research. As in most research, it is to be expected that there will be discussion and argument as to what constitutes "proper" use of the data.

II. PILOT STUDY FINDINGS AND CONCLUSIONS

The subcommittee reviewed the findings of a number of pilot studies to determine the feasibility, progress, and problems in the regular collection of job vacancy data. From 1964 to the present, the Department of Labor has been engaged in pilot studies of 16 major labor areas involving about one-quarter of the national labor force.[1] In addition to specialists from the Labor Department, the subcommittee heard a report on a pilot study of the Rochester, N.Y., area, conducted by the National Industrial Conference Board. The findings of these studies are that a program of job vacancy collection is feasible; the cooperation of employers excellent; and the technical problems of vacancy definition and sampling can be coped with effectively.

After considering various alternatives, the Department of Labor used the following definition of "job vacancy" in the questionnaire sent to employers:

"A current job vacancy is an existing employment opportunity in your establishment for some worker from outside your firm (i.e., a "new" worker—not a company employee) for a job that is unoccupied and immediately available for occupancy by a "new" worker for whom your firm is actively searching or recruiting."[2]

Among the findings and conclusions of the pilot studies are the following:

(1) Approximately four out of every five employers cooperated by providing information on job vacancies.

(2) More than one-half of all reported vacancies had been unfilled for at least 1 month prior to enumeration and were therefore considered "hard to fill."

(3) In the areas where wage information was gathered, the wages for the job openings were equal or above the customary starting wage for the occupation and area. Standard or higher wages were associated with 80 to 85 percent of the reported vacancies.

(4) The demand for workers in certain occupations was general among all geographical areas, while in other occupations it was concentrated in specific areas. Highly trained persons, clerical and sales workers, some types of service workers, and particularly nurses were generally in short supply.

(5) Later checking by personal interview indicated that there was a tendency for employers to understate vacancies by about 12 percent—a magnitude considered not unreasonable. The sampling variability was not large, either. In the April 1965 survey, chances were 95 percent that the estimates attained by sampling would differ by less than 3.4 percent of the results obtained by complete enumeration.

(6) The quality check of the surveys also found that the concepts, definitions, instructions, and schedules were satisfactory, effective, and generally understood by the respondents.

III. PROBLEMS

As is the case with almost all statistics, the publication of job vacancy data could lead to the possible misinterpretation and misuse of the information. This could arise if some users of the data subtracted the number of vacancies from the number of unemployed and attached an overly simplified meaning to the results. Estimates of vacancies can be compared to unemployment figures only with extreme caution. The characteristics of the unemployed workers may differ from employers' needs, and vacancy statistics tell little about job pay, fringe benefits, or working conditions. In addition, the reliability and meaning of the vacancy statistics are much less precise than the unemployment statistics.

Most of the fear concerning the possible misuse of the data is associated with its analytical uses. Although opinions differ as to the theoretical or analytical usefulness in the data, there is general agreement concerning the potential operational uses of the data.

Opinions also differ as to the type and amount of information that should be collected on the job openings. For example, should information on the minimum amounts of experience and education be required? Should information be collected on vacancies that will become available in the future, though in a separate category from vacancies immediately available?

Identification of occupations is another major problem of the job vacancy program. Employers and employees are often unfamiliar with the official definitions as found in the "Dictionary of Occupational Titles." There is a continuing need to make the system of occupational classifications more in accordance with skill and training requirements, hiring, and promotional procedures.

Many job markets are highly specific with respect to job requirements, hiring, and promotional procedures. In some industries and occupations, promotions tend to be internal to the firm. Vacancy data, therefore, would not provide a complete picture of the changing content of jobs and of employers' actual hiring practices.

IV. COSTS AND ALTERNATIVES

The precise cost of a reasonably satisfactory job vacancy program was not known by the witnesses. Rough estimates were between $5 and $8 million. The Department of Labor has requested $2.5 million to expand the collection to a quarterly basis for approximately 80 major labor areas.

These cost estimates can perhaps be put into perspective by calling attention to the magnitude of some of the potential benefits of the job vacancy data. If the $2.5 million program led to slightly more efficient use of the several billions of dollars appropriated to manpower development, the investment for data would pay handsomely. If it enabled unemployed or underemployed workers to find productive jobs, the investment would pay a private dividend to the individuals; it would pay a public dividend in the form of additional tax dollars and lower welfare payments; and it would pay dividends in terms of greater real national output. Job vacancy information, along with manpower retraining, can help to break the bonds of isolation afflicting low income persons in urban ghettos, areas of chronic high unemployment, and subsistence agriculture.

In view of the problems and cost of a regular, large survey of vacancies, the question arises as to the availability of alternative approaches. At the present time, there are partial indicators of job vacancies which include job listings at the Employment Service, the National Industrial Conference Board's "Index of Help Wanted Advertising," "Display Ads for Executive Positions" (published in Executrend), and numerous professional media.

The pilot studies indicated that about 30 percent of job vacancies were listed at the Employment Service. The Employment Service task force and the Secretary of Labor have indicated the great need to strengthen the Employment Service and private employment agencies in order to facilitate the matching of opportunities and workers. Particularly, the present system of interarea placement is slow and ineffective.

Clearly, the job vacancy program is no substitute for effective private employment agencies and a strengthened public employment service; and it is no substitute for more long-range projections of manpower needs. In general, the vacancy program would complement other manpower programs. Perhaps it would displace the present area skill surveys which attempt to guide area planning and manpower retraining programs.

Witnesses indicated that job listings at the Employment Service and the NICB Index

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[1] The following areas were included in the pilot studies:

Baltimore, Birmingham, Charleston, S.C., Charleston, W. Va., Chicago, Kansas City, Los Angeles, Miami, Milwaukee, Minneapolis-St. Paul, New Orleans, New York, Philadelphia, Portland, Oreg., Providence, and Richmond.

[2] Arthur M. Ross, testimony before the Subcommittee on Economic Statistics, May 17, 1966.

were not adequate substitutes for the survey and tabulation of job vacancy statistics. Job listings accounted for about 30 percent of all vacancies; however, the extent of listing varied substantially from area to area. The "Index of Help Wanted Advertising" does not have full coverage of occupations and areas, and there is some overlapping of advertisements for the same position in numerous newspapers. These indicators of job openings do not perform the task envisioned for the vacancy statistics.

V. RECOMMENDATIONS

The subcommittee is gratified by the progress made in developing the concepts and procedures for the regular collection of job vacancy data. It is an example of research responding to a practical need. In addition to the extensive work connected with the pilot studies, specialists from government, the universities, private research institutions, and organized labor have contributed by way of a conference on The Measurement and Interpretation of Job Vacancies[1] held by the National Bureau of Economic Research, with support from the Office of Manpower, Automation, and Training. Additional research on Measuring Job Vacancies has been completed by the National Industrial Conference Board,[2] on a grant from the Ford Foundation.

After careful review and consideration, the subcommittee recommends that the program of regular collection of vacancy data proceed as rapidly as possible, and particularly that it be expanded to the 80 major labor areas as recommended by the Labor Department. Significant progress has been made on the difficult problems of definition and procedure, although there will undoubtedly be continuing clarification and improvement as experience is gained. It is time to expand the program further.

It is difficult to conceive of a more obvious way to improve the amount of useful information available to workers and employers in the labor market. Such information would promote efficiency and greater equality of economic opportunity. In addition, it would feed the needs of the Nation's new and growing manpower development programs.

[1] The Measurement and Interpretation of Job Vacancies, National Bureau of Economic Research (New York: Columbia University Press), 1966.

[2] John G. Myers and Daniel Creamer, Measuring Job Vacancies—A Report on a Feasibility Study in the Rochester (N.Y.) Area, National Industrial Conference Board (New York), 1966.

LIFE REPORTS WHAT PAUL DOUGLAS LEARNED

Mr. PROXMIRE. Mr. President, no Senator can surpass the senior Senator from Illinois [Mr. DOUGLAS] in wisdom or in demonstrated devotion to this country.

At a time when speeches, especially commencement speeches are so frequently loaded with platitudes, the remarkable Senator from Illinois has given a fresh and inspiring insight from his unusually full and productive life in a commencement address recently delivered at Amherst College.

Life magazine was so impressed by this Douglas address that they wrote an editorial quoting from that speech as the lessons from PAUL DOUGLAS' life.

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

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

WHAT SENATOR PAUL DOUGLAS LEARNED

The 1966 commencement season finds the usual number of distinguished, middle-aged orators seeking contact with the young—no doubt mostly in vain. But among all the forgettable remarks there are some serious attempts to convey a modicum of wisdom from one generation to another. And if any American is entitled to make that basic, old-fashioned kind of commencement address, it is Senator PAUL DOUGLAS of Illinois. At 74, he can look back on a long career as a public servant, as a distinguished economist and teacher, and as a soldier. He was 50 when he joined the Marines as a private; he emerged, badly wounded at Okinawa, as a lieutenant colonel. "What do you think life and history have really taught you?" asked DOUGLAS of himself before the Amherst class, some 20 of whose members later walked out on Secretary McNamara (*see p. 40*). "Are there any hints which you can offer us on the conduct of life?" The lessons of PAUL DOUGLAS' life are these:

"That what is most needed in the world is love—or energized good will—which, if given a chance and practiced with devotion, can in most cases melt antagonisms within a democratic society and reconcile opposites.

"That truth has at once a compulsive and healing power. We should not be afraid of truth, for if recognized and acted upon it is the rock upon which we can base our individual and collective lives.

"That in its larger aspects truth is not simple but subtle. Frequently, it requires a long process of discovery both by the probings of research and the sifting induced by dialogue.

"That in dealing with the winds of doctrine, in the words of Jefferson, 'We should not be afraid to tolerate error as long as reason be left free to combat it.'

"That when aggression stalks either a community or the world, resistance to it is both necessary and noble, lest it become all-pervasive. And it is well that it should be checked in its early days before it can acquire the cumulative momentum of success.

"That human courage in defense of an ideal is an ultimate virtue which we should not permit the pressures of conformity to diminish. The nation which minimizes courage is on the road to destruction.

"That the Athenians did well to make the owl and the olive tree their symbols to denote wisdom and peace. But freedom tempered with love is the only atmosphere in which true wisdom and peace can flourish. And to preserve and maintain all these virtues, a strong admixture of Spartan courage is needed. Thermopylae was necessary that Socrates might practice his dialectic."

U.S. INVOLVEMENT IN VIETNAM NOT AN INSUPERABLE OBSTACLE TO DISARMAMENT AGREEMENTS, SAY RUSSIANS

Mr. CLARK. Mr. President, it is gratifying to learn that despite the strong words used by Ambassador Roshchin at Geneva yesterday, the Soviet Union does not view the involvement of the United States in Vietnam as an insuperable obstacle to the successful negotiation of arms control and disarmament agreements.

An erroneous report carried on the wires yesterday indicated that Ambassador Roshchin had said that there can be no treaty to stop the spread of nuclear weapons as long as the United States continues its military operations in Vietnam. As I observed yesterday in commenting on this report, when I was at Geneva a month ago Russia made it quite clear that it did not consider Vietnam an insuperable obstacle to a nuclear disarmament understanding. If in fact the Russians had adopted the line attributed to them in the report, it would have been a most unfortunate change of mind.

It now appears on the basis of information supplied by the U.S. Arms Control and Disarmament Agency, supported by reports printed in this morning's New York Times and Washington Post, that despite their stronger language the Russians have not in fact altered their position, and are not insisting upon the removal of U.S. troops from Vietnam as a precondition to a treaty. The principal obstacle to a treaty to halt the spread of nuclear weapons continues to be what it has been all along—this country's shortsighted insistence on keeping open the option of cutting West Germany in on some nuclear sharing arrangement. If the State Department will permit our negotiators in Geneva to agree with the Russians to keep the West German finger off the nuclear trigger, I am convinced that a treaty to stop the spread of nuclear weapons remains a live possibility, and an immediate one, too.

Mr. President, I ask unanimous consent to have printed in the RECORD the wire service story dated June 14, 1966, which was published in the Philadelphia Inquirer this morning under the headline, "Accord on Arms Barred by Soviet Over Vietnam." This is the erroneous report which I was given yesterday. The correct version is reported in a story in this morning's Washington Post under the headline, "Russian Blasts United States, at Reopened Talks on Disarmament," and in this morning's New York Times under the headline, "Arms Parley Resumes in Geneva." I also ask unanimous consent that these articles be printed in the RECORD at this point.

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

[From the Washington (D.C.) Post, June 15, 1966]

RUSSIAN BLASTS UNITED STATES AT REOPENED TALKS ON DISARMAMENT

Soviet delegate Alexei A. Roshchin made a virulent attack on U.S. policy in Vietnam at the reopening of the 17-nation disarmament conference in Geneva yesterday.

U.S. officials in Geneva and Washington denied that Roshchin made a U.S. troop withdrawal from Vietnam a condition for any progress on disarmament. United Press International and Associated Press interpreted Roshchin's remarks as making a U.S. withdrawal a prerequisite for new agreements to stop the spread of nuclear weapons and other disarmament goals.

The disarmament talks are held in closed session. Newsmen are given only summaries of the speeches.

Roshchin's speech was immediately denounced by U.S. delegate William C. Foster as a deeply regrettable propaganda blast. Some observers were pessimistic about the chances of progress on disarmament when the Soviets took such a strong line at the first session after a six-week recess.

Roshchin blamed lack of progress in the Geneva talks on the U.S. "aggressive war" in Veitnam, "continuous provocations against

Cuba," the project of sharing nuclear weapons with West Germany, and other actions. He accused Washington of fomenting the arms race and trying to sabotage an agreement to stop underground nuclear explosions.

Before Roshchin spoke, Foster said the time had come for East and West to reconcile their differences and rivalries and work together for nuclear disarmament. He added that preoccupation with short-term objectives only impeded agreement of a non-proliferation treaty.

He warned that if the spread of nuclear weapons was not halted there would be perhaps 10 new nuclear powers in the world in 10 to 20 years.

Foster said the United States regarded as positive remarks by Roshchin, when the conference adjourned last month, that its work had not been completely useless.

The United States also shared hopes expressed then by Roshchin that new steps could be taken to break the deadlock in negotiations on a nonproliferation treaty, Foster added.

Negotiations on a nonproliferation treaty are deadlocked over NATO nuclear sharing. The Russians refuse to accept a U.S. draft treaty because they say it leaves the door open for NATO to give West Germany access to nuclear weapons.

The West denies this and says it cannot subscribe to rival Soviet proposals that would weaken or undermine NATO defensive collaboration.

[From the New York Times, June 15, 1966]

ARMS PARLEY RESUMES IN GENEVA

GENEVA, June 14.—The United States and the Soviet Union agreed on the immediate goals when the disarmament conference resumed today after a five-week recess. However, the two powers were in complete disagreement on how to reach them. The resumption was marred by a sharply-worded Soviet attack on Washington's policies in Vietnam and on West Germany's alleged desire for nuclear weapons. It brought an equally sharp retort from the United States. William C. Foster of the United States and Alexei A. Roshchin of the Soviet Union both gave priority to extending the present ban on nuclear tests in the atmosphere, in space and under water to underground explosions. They also called for a treaty soon to prevent the spread of nuclear weapons. Mr. Foster, head of the United States Arms Control and Disarmament Agency, said at the 17-nation conference, which began in March, 1962, that Washington remained "strongly committed" to a ban on underground nuclear explosions.

The United States delegate acknowledged that science had made "substantial progress" in developing ways to detect such explosions from a distance. He added, however, that "hard evidence still points to the need for on-site inspection to verify a comprehensive test ban."

This was disputed by Mr. Roshchin. He asserted that the United States advanced "groundless demands" for international inspection in order, by preventing an accord, "to have a free hand for carrying on dangerous experiments with nuclear weapons."

When calling for a treaty to prevent the spread of nuclear weapons, Mr. Foster alluded to the Soviet Union's preoccupation with West Germany. He urged that the issue not be confused by becoming "obsessed with any one country."

The alternative to a treaty "is not a world with one or two new nuclear-weapon states in, say, five years, but rather a world with perhaps ten new nuclear-weapon states in 10 to 20 years," the United States official said.

But Mr. Roshchin asserted that the United States desired to draft a treaty that would leave open the possibility of satisfying West German ambitions through an allied nuclear-sharing arrangement. He said that desire was blocking in accord.

The Soviet delegate, who followed Mr. Foster, began his speech by accusing the United States of having increased world tension during the conference's recess by building up its forces in South Vietnam.

"Continuous provocations" against Cuba by Washington "also arouse serious concern," he said.

Mr. Foster replied by rebuking the Soviet delegate for beginning the new round of talks with a "propaganda blast." The Soviet Union, he said, would make a more useful contribution to negotiate.

Today's chairman, Antonio Gomez Robledo of Mexico, warned that if the conference had no progress to report to the United Nations General Assembly session opening in September another forum for negotiating arms-control questions might be sought.

[From the Philadelphia (Pa.) Inquirer, June 15, 1966]

ACCORD ON ARMS BARRED BY SOVIET OVER VIETNAM

GENEVA, June 14.—A virulent Soviet attack of U.S. policy in Vietnam marked the resumption of the 17-nation disarmament talks here Tuesday. The tirade broke a tacit understanding that Vietnam should not be allowed to disturb the Geneva negotiations.

Soviet chief delegate Alexei A. Roschin said at the meeting there can be no treaty to stop a spread of nuclear weapons as long as the United States continues its military operations in Vietnam. Such a treaty is the main issue before the conference.

PROPAGANDA BLAST

Roschin's speech—one of the most bitter yet delivered in the 4-year-old conference—was immediately denounced by U.S. chief negotiator William C. Foster as a deeply regrettable propaganda blast.

Roschin accused the United States of duplicity in sending more troops to Vietnam for what he called a merciless campaign against peace in Geneva. He said Washington thus increased the arms race and is responsible for prospects of no progress in Geneva.

Roschin's predecessor, Semyon K. Tsarapkin, had assured the conference earlier this year that the Vietnam conflict, though regrettable from his government's point of view, should not be allowed to disturb the negotiations in Geneva. Tsarapkin has since been appointed Ambassador to West Germany.

"UNFORTUNATE CHANGE"

Roschin's statement led Senator JOSEPH S. CLARK, Democrat, of Pennsylvania, who recently returned from Geneva, to say in Washington: "I think this Russian position represents a most unfortunate change of mind. When I was at Geneva a month ago, Russia made it quite clear that it did not consider Vietnam an insuperable obstacle to a nuclear disarmament understanding."

When Roschin took over more than 2 months ago critical remarks about the U.S. role in Vietnam began cropping up in his statements and those of the delegates from Bulgaria, Czechoslovakia, Poland and Rumania here.

But these asides, though sometimes stinging, were short and mild compared to the Soviet delegate's long and bitter statement Tuesday. Western delegation officials said it sounded like a concentrated recapitulation of every main criticism the Soviet Union has voiced against Washington during the past 6 months.

SABOTAGE CHARGED

Roschin attacked the United States over Vietnam, the project of Atlantic nuclear weapons sharing with West Germany, accused Washington of fomenting the arms race and trying to sabotage an agreement to stop underground nuclear explosions.

He also denounced what he called the "continuous military provocations against the Republic of Cuba" around the Guantanamo military base, a subject frequently raised by Communist speakers in the current international labor conference here.

OUR AMBASSADOR TO JAPAN, EDWIN O. REISCHAUER

Mr. AIKEN. Mr. President, as everyone knows, the United States has over 100 Ambassadors working in the various capitals of the world. It is not surprising that no two of these Ambassadors are exactly alike, either in qualifications or in the manner in which they operate. Some are excellent. Some are very good. Some are good. Some are fair. Occasionally, one gets us into a lot of trouble.

Mr. President, I am not going to attempt to classify U.S. Ambassadors in other countries, but I do wish to point out that one of the highest grade Ambassadors we have in any country is our Ambassador to Japan, Edwin O. Reischauer.

Ambassador Reischauer has done a remarkable job in Japan. He has upheld the position of the United States ably and satisfactorily. He commands the respect of the Japanese people as well as the Japanese Government, and he has the respect of all Americans who know him.

I have been disturbed lately to hear rumors that Mr. Reischauer might be replaced.

Some of these rumors state that he wants to come home. I do not know whether that is true. Other rumors state that someone wants him to come home and get out of Japan so that his place can be taken by someone else.

I want to say that I most earnestly hope that Ambassador Reischauer does not want to come home and that no one is going to insist that he does come home, because if he should give up that post for any reason whatsoever, it would be an almost irreparable loss to the United States at this time.

Mr. President, I ask unanimous consent to have printed in the RECORD an article which was published in the Boston Sunday Globe of June 12, 1966, entitled "Our Man in Tokyo—Reischauer Doing Superb Job." It is an excellent article and I agree with the expressions which it carries.

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

OUR MAN IN TOKYO—REISCHAUER DOING SUPERB JOB

(By Richard Halloran)

TOKYO.—In the history of America's relations with Japan, the names of four famous Americans spring immediately to mind—the haughty Commodore Matthew Calbraith Perry, whose black warships in 1854 ended Japan's isolation; the persevering Townsend Harris, first consul general in Japan; the conciliatory Joseph Clark Grew, ambassador to Tokyo in the ten turbulent years before Pearl Harbor; and the imperious Gen. Douglas MacArthur, pro-consul of the postwar occupation.

A fifth name, that of Edwin O. Reischauer, who recently completed five years as an extraordinarily successful ambassador to Japan, is most certainly the next logical candidate for the list. Not only has Reischauer been superb in Tokyo but he had operated in a style that few other American ambassadors anywhere could have—and survived.

In his tenure, Reischauer has repaired what he called America's "broken dialogue with Japan," a breakdown in communication in the late 1950's that culminated in the anti-American riots and cancellation of President Eisenhower's visit in 1960.

Beyond that, Reischauer has been instrumental in preserving Japan's alliance with America despite strong currents pushing the two countries apart.

He has helped ease the Japanese out of the introspective isolation in which they wrapped themselves after the war. And he has nudged them toward stable operation of the democratic political mechanism.

The ambassador, of course, has not worked miracles. In his own words, there's a "long, long way to go" in developing a genuine dialogue. "Understanding," he says, "is not an easy thing."

Moreover, Japan is still a reluctant ally of America and its emergence as a responsible power in Asia is only tentative. Nor has the democratic mechanism been put to the telling test of an orderly transfer of power from the ruling conservatives to the opposition socialists.

But Reischauer has accomplished as much as one man could and has earned the esteem of the Japanese and the admiration of his American diplomatic colleagues. There's been recent speculation that he wants to return to scholarly pursuits but he hasn't given a clue about his specific plans.

Reischauer brought a unique background and set of intellectual tools to his job. He was born in Japan, studied the Japanese and Chinese languages, ancient history, and culture, pioneered the study of Japan in America, served in military intelligence during the war and was pulled into modern history and international relations.

He became a well-liked professor at Harvard, advised the State Department on Asian affairs, and wrote a number of highly reputed works on Japan and Asia.

Personally, Reischauer even looks like an ambassador. A slender, erect man of springy step and jaunty air, he exudes the confidence of one who knows what he is about.

Politically, Reischauer calls himself a liberal, but is dubious about the term. He says he is not doctrinaire but looks at each problem as it comes along. His colleagues confirm his open-minded approach to both diplomacy and history.

Over the years, Reischauer has built on the respect he initially commanded from the Japanese.

In a sense, there are two Reischauers—the ambassador and the teacher. But the images of Reischauer-Taishi (ambassador) and Reischauer-Sensei (teacher) have become almost indistinguishable.

A Japanese intellectual says that "when Reischauer speaks, we Japanese stop and listen because we know that he is sensitive to us and knows what he is talking about."

The classic example of this came last October, when Reischauer lashed the Japanese press for biased anti-American reporting of the Viet Nam war. He particularly singled out Minoru Omori, foreign editor of the influential Mainichi Shimbun, for inaccurate reporting.

The Japanese press, and especially Mainichi, exploded in defense and rebuttal. But when the smoke cleared, the newspapers started looking at Viet Nam more carefully—and Omori was quietly sacked.

Reischauer has made a point to establish contacts with labor and other leaders of the moderate left, who were often neglected by previous envoys.

He has been so successful that Akahata, the Communist Party paper, once complained that since the advent of Reischauer, "more and more progressive people visit America . . . and come back to Japan with pro-American ideas."

Once in Japan, Reischauer launched into his self-appointed task of the broken dialogue in a long effort of intellectual contacts, which soon became known, partly in admiration and partly with apprehension, as the "Reischauer offensive."

Mr. MANSFIELD. Mr. President, will the Senator from Vermont yield to me?

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

Mr. MANSFIELD. I ask unanimous consent that the Senator be permitted to proceed for 2 additional minutes.

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

Mr. AIKEN. I thank the Senator from Montana.

Mr. MANSFIELD. I wish to join the distinguished senior Senator from Vermont in what he has just said about Ambassador Reischauer.

I do not believe we have ever had an ambassador accredited to Japan who has the qualifications, the know-how, and the confidence of all concerned more than the present occupant of that most important position.

I do not believe that the President is anxious to "recall" Ambassador Reischauer; I believe the impetus behind these reports is based on Ambassador Reischauer's desire to retain his tenure and position on the faculty of Harvard University which under the university's rules will terminate this coming September.

I would therefore hope that Harvard University, being the patriotic institution that it is, would recognize the gravity of the situation in the Far East and the great need to retain Ambassador Reischauer in his present position.

Ambassador Reischauer, I believe, enjoys the confidence of the entire Congress and especially of those congressional delegations which have visited Japan during his tenure. He has performed his responsibilities with integrity, ability, and intelligence.

In my opinion, he is one of the real standouts among Ambassadors of the United States. I agree with the distinguished Senator from Vermont that he is really needed even more in the years ahead, which will be difficult, than he has been needed in the 5 years during which he served our country in Japan with such great distinction.

When this country has the opportunity to use the services of a man of the caliber of Ambassador Reischauer, we should continue to make use of them to the best of his and our ability because he has represented us with such distinction and so ably in a country which needs the kind of representation which Ambassador Reischauer is giving to it.

Mr. AIKEN. Mr. President, let me thank the Senator from Montana, the distinguished majority leader. Let me add to what I have said, following his remarks, that the U.S. Government has done a lot for Harvard over the years. Now Harvard should do a lot for the U.S. Government by requesting Mr. Reischauer to stay in Tokyo during this crucial period and assuring him that he will not lose his status in that distinguished institute of learning by serving his country in time of need.

Mr. MANSFIELD. I could not agree more with the distinguished Senator from Vermont. So long as we have one of the distinguished past members of the board of overseers of Harvard University, on his feet in this Chamber at this moment, enlisted to our effort, the cause will not be lost. I would hope that when he returns to his alma mater tomorrow he will use his well-known ability to persuade to achieve this objective; with Senator SALTONSTALL'S support, we all can be somewhat hopeful that Ambassador Reischauer will remain in Japan, and at the same time retain his well-deserved status at Harvard University.

Mr. AIKEN. I was aware of the presence of the distinguished Senator from Massachusetts [Mr. SALTONSTALL], and his distinguished position back home, when I first made my remarks. I hope that he will take them seriously and do all that he can to keep Ambassador Reischauer where he is; namely, in Japan. He is needed there desperately at the present time.

Mr. SALTONSTALL. Mr. President, I am glad to hear all the friendly references which have been made to Harvard University.

Let me say that the Senator from Pennsylvania [Mr. CLARK] has been a more recent member of the board of overseers than have I, and I am sure that we have both listened to what has been said.

I know that the rules and regulations regarding length of absences before a professor could lose his standing or lose his opportunity to return to the university are fairly stiff, but I believe that the university has made exceptions. I certainly am glad to agree with the two Senators in their position regarding Ambassador Reischauer. I am always appreciative that Harvard University is doing its share of patriotic duty to permit its distinguished professors to take part in public affairs.

Mr. CLARK and Mr. PROXMIRE addressed the Chair.

Mr. SALTONSTALL. Mr. President, I am trying to get the floor in my own right——

The PRESIDING OFFICER. The Senator from Massachusetts has the floor at this time.

Mr. SALTONSTALL. I thank the Chair. Inasmuch as I have the floor now, I ask unanimous consent that, without losing my right to floor, I may be permitted to yield to the Senator from Pennsylvania and then to the Senator from Wisconsin to speak on this subject.

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

Mr. CLARK. I thank the Senator from Massachusetts.

I should like to join in the encomiums which have just been delivered in behalf of Ambassador Reischauer. As a very humble member of the graduating body of Harvard, no longer an overseer, I shall

be glad to see what I can do to get President Pusey to get the board to grant the extension.

Lest these comments appear to readers of the CONGRESSIONAL RECORD as merely a Republican ploy, I know that if Senator EDWARD KENNEDY, of Massachusetts, and Senator ROBERT KENNEDY, of New York, were on the floor they would like to join us, so this would be a bipartisan matter.

Mr. SALTONSTALL. Mr. President, I merely wish to say to the Senator from Pennsylvania that this is one subject on which we are all agreed.

Mr. PROXMIRE. Mr. President, I had the honor and privilege of studying under Professor Reischauer when I attended Harvard, he is a brilliant professor.

Ambassador Reischauer has devoted his life to a study of Japan. He knows Japan thoroughly. He speaks the Japanese language as well as he speaks English. He was born for this job. He is married to a Japanese lady.

At the present time, when our Far Eastern relations are so important, and when our relations with Japan are particularly important, it is most necessary that Ambassador Reischauer be permitted to retain his tenure at Harvard and be permitted to continue as this country's ambassador to Japan.

ONE HUNDREDTH ANNIVERSARY OF HUDSON, MASS.

Mr. SALTONSTALL. Mr. President, this year marks the 100th anniversary of the incorporation of Hudson, Mass.

Though not incorporated until 1866, this manufacturing-residential town was first settled in 1699. Originally a part of Marlboro, Hudson was first called Mills and later Feltonville, but eventually it was named after Charles Hudson who was the first benefactor of the town's library facilities.

Farming was the main industry when the town was settled, but in the early 19th century shoe manufacturing became important in the economic life of the community. In time other manufacturing firms came to Hudson, and today its factories produce textile products, machinery, and leather products. Through the years, Hudson's growing industry attracted many Portuguese, French, Greek, Russian, Jewish, and Italian immigrants who have made important contributions to the town.

Hudson has a long and proud history, and I am pleased today to join with the people who live there in commemoration of its 100th anniversary. A week-long celebration is presently underway, which will end on Sunday with a parade and other special events.

INCREDIBLE AND UNTENABLE

Mr. YOUNG of Ohio. Mr. President, it is evident that Saigon's flamboyant Prime Minister Ky proposes to remain in power at least until the end of 1967. This may seem incredible, but Ky's proposal for what he terms fair elections in South Vietnam, first scheduled for August and now for some undetermined time in the fall, will permit no neutralists to vote, and in addition Ky specifically states that no citizen of South Vietnam who is a member of the National Liberation Front or a Vietcong suspect will be permitted to vote.

In other words, he and members of his militarist regime in power in Saigon will see to it by challenge at the voting place or by intimidation before voting that no persons except those recognized as followers of the militarist junta now in power in Saigon will be allowed to vote. Then Ky proposes that his privately operated proposed election will be for the purpose of electing only a constituent assembly. The elected candidates will not have any legislative powers. Their only duty, he says, is to draft a constitution and then adjourn. It is noteworthy that Ky became Prime Minister more than 1 year ago but in all that period he made no effort whatever to bring land reform or hold elections in Vietnam.

Thich Tri Quang, a Buddhist leader who is regarded as a moderate, has called for a boycott of any unfair elections scheduled by Prime Minister Ky. Therefore, many Buddhists will stay away from the voting places. If there are those Buddhists who seek to vote, no doubt the militarist regime representatives will challenge them as being neutralists.

The St. Louis-Post Dispatch recently published a fine editorial, under the caption "Incredible and Untenable," and I ask unanimous consent, Mr. President, that this editorial be printed at this point in the RECORD as a part of my remarks.

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

INCREDIBLE AND UNTENABLE

It now seems clear that whatever form of reconciliation may be set up in South Viet Nam the substance of it remains elusive. The Buddhist leaders who negotiated a peace settlement with the Ky government, failing to win support from their own followers, have resigned. Thich Tri Quang, probably the key figure among the Buddhists, not only rejects the settlement but demands a boycott of any elections to be held under it, and bitterly assails the United States for supporting the Ky government.

In the face of these developments, hopes for a resolution of the political crisis seems wistful and naive. The military dictatorship represented by Marshal Ky and his fellow generals would violate the laws of its own being if it voluntarily handed over power to a civilian government. The militant Buddhists obviously do not believe this will happen, and they distrust any apparatus set up by the generals to create an appearance that it might.

More and more, therefore, the hostility of the Buddhists and all other South Viet Namese who oppose the Ky regime turns against the United States, without whose support that regime could not exist. More and more, in consequence, the American position becomes incredible and untenable. While we wage war for the ostensible purpose of defending the freedom of the South Viet Namese people, South Viet Nam's armed forces devoted themselves not to the war but to securing their own power over the people; and a growing body of the people plainly demands only to be left alone in peace.

In such a hopelessly entangled situation it is easy for the Administration to contend that there are no practical alternatives to the policies it is pursuing. Yet the strongest nation in the world confesses moral and intellectual bankruptcy when it makes itself a prisoner of events. It can shape events if it will muster the courage and imagination to replace policies that have so conspicuously failed. The first step is to bring what we do into line with what we say.

If we seek only the freedom of the South Viet Namese people, we would curtail instead of escalating a war that steadily reduces their freedom. If we seek negotiations for peace, we would support those who favor a political settlement, rather than generals who oppose it. If we seek a neutral Viet Nam and not an American military outpost, we would strive to create the conditions for ultimate withdrawal, instead of digging in for a generation to come.

One of the architects of the 1954 Geneva agreements, Anthony Eden, declared last week that the principle of those agreements—the neutralization of Indochina—holds the key to peace in Viet Nam. Others, notably U Thant, have repeatedly made the same point. Administration spokesmen themselves at times have indorsed it—in words. For 12 years, however, American policy has been based, not on supporting neutralization, but on building a unilateral military position in South Viet Nam. The first step to peace, if the United States wants it, is to reach a national decision that a neutral Viet Nam should be the objective. Once such a decision was made, many doors to peace, we are confident, would open.

MANAGEMENT OF NUCLEAR WEAPONS SHOULD NOT BE HANDED TO NATO OFFICIALS

Mr. YOUNG of Ohio. Mr. President, Congress, some years ago, wisely provided a strict ban against any distribution of nuclear weapons to our allies. Most Americans feel that the only finger permitted to trigger an atomic war should be that of the President of the United States.

Surprisingly, former President Eisenhower recently proposed that the United States transfer the management of nuclear weapons to our NATO allies. This should be unthinkable. It would be a betrayal of our responsibility as the most powerful nation in the world. American public sentiment should overwhelmingly reject the view of General Eisenhower seeking authority "to sell appropriate nuclear weapons to other governments—under special conditions and arrangements to be approved by the NATO organization—that could operate effectively in the defense of Europe."

Mr. President, our energy must be exerted to try to seek the agreement of all powers, including the Soviet Union, to a treaty against the proliferation of nuclear weapons. President Kennedy sought and accomplished ratification of the Limited Nuclear Test Ban Treaty largely because he feared that, instead of 5 nuclear powers, 20 nations by 1975 would have the capacity to explode atomic bombs. There is reason to fear that a nuclear war could be brought on by accident, or mischance, or by the erratic action of a trigger-happy officer, or a hothead, or drunk NATO ally. Also, we must protect mankind from radioactive contamination. We must halt the spread of nuclear weapons.

General Eisenhower in World War II showed bad judgment in preventing Generals Bradley and Patton from occupying Berlin, and in ordering them to pull

back in favor of the Russians whose leaders were scheming to enter Berlin first. At that time he would have been well advised not to cater to the Soviet Union. Times have now changed. Twenty-one years following World War II, Communist Russia no longer seriously menaces the United States or the peace of the world. Were the Eisenhower viewpoint to prevail, it would no doubt cause the leaders of the Soviet Union to withdraw immediately from considering a proposed nonproliferation treaty.

General Eisenhower was wrong in 1945 in pulling back Generals Patton and Bradley. As a result of his orders, the Russian armed forces first entered Berlin. Were it not for General Eisenhower's command decision at that time, American armies led by Generals Bradley and Patton would have been the first with their tanks and thousands of GI's to march into practically undefended Berlin. Were it not for General Eisenhower's decision at that time, when he had been misled by the Russian leadership into believing that the objective of their armies was to destroy the German forces in the field and that their objective was not to be the first of the allies to enter Berlin, the history of our postwar dealings with Stalin and the Soviet Union might not have been so grim, and the Berlin wall might never have been built. He is dead wrong now, as he was then.

DISABLED AMERICAN VETERANS DAY

Mr. BYRD of Virginia. Mr. President, this country has fought nine wars—including the war in Vietnam. Millions of Americans have answered the call to arms.

Most of these men have been citizen soldiers, sailors, and airmen—men like us, from farm, city, school, and college campus, men never basically dedicated to the profession of armed combat, men never primarily skilled in the art of war.

For the most part, they have been men whose native patriotism has exceeded their concern over the complexities of international intrigue—men who, in deep sense of duty, answered their country's call.

We thank God that the vast majority of them have been allowed to return physically unimpaired. But a million have given their lives, and more than 1½ million have suffered combat wounds.

Properly, we observe Veterans Day on November 11.

Appropriately, on Armed Forces Day, May 21, we paid tribute to the 3 million men and women now serving the Nation around the world in our military services.

Reverently, on Memorial Day, May 30, we paid homage to our war dead.

We owe an expression of the Nation's gratitude to our disabled American veterans, who will bear the combat scars of their patriotism throughout the rest of their lives.

I know of no better day to set aside for this high purpose than June 17, the 34th anniversary of the national charter granted to them as an organization by Congress.

It is appropriate that Congress observe DAV Day 3 days after Flag Day, and 3 weeks before Independence Day.

We honor the men whom the Nation can never repay for the lifetime disabilities inflicted upon them as they fought for our defense.

Great changes have occurred in the 190 years between 1776 and 1966. We are probably in the era of greatest change.

The one vital element in our national affairs that has not changed is the great American concept of constitutional government, the source of our liberty.

The disabled American veterans bear the scars of defending these principles.

Under their national charter, without Federal aid, they work for the single purpose of taking care of their own—the disabled war veterans, their dependents, and their widows and orphans.

As an organization, I congratulate the DAV and their commander, Claude L. Callegary, of Baltimore, on the 34th anniversary of their corporate being.

As individuals, each and every one of them has my salute of gratitude.

BACK PEDALING IN VIETNAM AND A NEW HOPE FOR ASIA

Mr. JAVITS. Mr. President, I ask unanimous consent that I may be permitted to continue for 5 minutes.

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

Mr. JAVITS. Mr. President, I am disappointed today to have read that reliable sources in South Vietnam believe that the National Leadership Council, which is the expanded version of the military junta, will turn down the proposal of the South Vietnamese Electoral Commission to convert the Constituent Assembly into a legislative body. If this report is true, the repercussions could be unfortunate indeed.

I believe the South Vietnamese people really want a chance to freely express their own choices for a new civilian government. I further believe that the government of Saigon needs the legitimacy that only these elections and the speedy conversion of the Constituent Assembly to a civilian government can provide. I am convinced that the American people desire these elections and a civilian government in Saigon.

Should the military junta continue its confusing and delaying tactics regarding the above matters, I believe the result will be an increasing loss of confidence in Premier Ky both by the South Vietnamese themselves and the American people. I urge the President of the United States to make this fact perfectly clear.

While the situation in Vietnam remains unchanged, there is a very important hopeful sign regarding the larger Asian picture. A conference of nine Asian and Pacific States is presently meeting near Seoul, Korea. The participants at this conference are: South Korea, Japan, the Philippines, Malaysia, Nationalist China, South Vietnam, Australia, New Zealand, Thailand, and Laos as an observer. Both white and Asian, the participants comprise a group with many common interests in maintaining peace in Asia.

I am particularly happy to see that the emphasis at this conference is more on the positive and peaceful side than it is military and ideological. This is an important first step for the countries in that area of the world—a step in the direction of regional responsibility.

I ask unanimous consent to have inserted in the RECORD two articles concerning these matters which appeared in the New York Times of Wednesday, June 15.

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

JUNTA SAID TO BAR BUDDHIST DEMAND ON CHARTER GROUP—REGIME IN SAIGON REPORTED DECIDING TO LIMIT THE POWER OF ELECTED ASSEMBLY—NEW PROTEST FORESEEN—DEMONSTRATIONS CONTINUE—GOVERNMENT FORCES ROUND UP STUDENTS FOR DRAFT

SAIGON, SOUTH VIETNAM, June 14.—Highly reliable sources said today that the 20-man governing National Leadership Council had voted to limit the powers of the coming legislative assembly to writing a constitution.

The Leadership Council, which was recently enlarged by the addition of 10 civilians, decided that the assembly, to be elected in September, would be dissolved as soon as it wrote the constitution. That document is to be the basis of parliamentary elections next year.

It had been reported earlier that the committee drafting the laws for the September election suggested that the assembly be given limited legislative powers.

KEY ISSUE IN THE DISPUTE

The Buddhists have been demanding the legislative assembly act as a lawmaking body and take over from the military regime headed by Premier Nguyen Cao Ky.

The issue lies at the core of the Buddhist-Government dispute. The junta's decision was sure to bring violent protests from the Buddhists, observers said.

They said the action apparently reflected the generals' confidence that they would be able to overcome the Buddhists. Thus far they have.

However, Buddhist demonstrations continued in the capital and Thich Phap Minh, a militant leader, told thousands of cheering Buddhists that if Washington continued to support the Ky Government, "we can no longer accept the American presence."

"If the Americans want to impose colonialism on our heads, we will fight it," he said.

He asserted that the United States Ambassador, Henry Cabot Lodge, and other American officials "speak with the mouth of Buddha but from a snake's heart."

PARLEY IN SEOUL SHAPES NEW BLOC—NINE ASIAN-PACIFIC NATIONS WORK ON ORGANIZATION TO RESIST CHINA'S MARXISM

(By Robert Trumbull)

SEOUL, SOUTH KOREA, June 14.—Nine Asian and Pacific states, meeting in the riverside resort of Walker Hill near the war-battered but frantically rebuilding city of Seoul, began today to plan an organization of non-Communist governments to resist the spread of Marxism in the area from its base in mainland China.

The new international grouping, as it took shape in the opening session of a three-day conference, will shun any military character and will play down the ideological context. The idea is to reduce tensions, not increase them.

"We do not contemplate" the construction of new barriers "to surround our peoples and isolate them from the rest of the world," said

Thanat Khoman, the scholarly, multilingual Foreign Minister of Thailand and vice chairman of the conference.

THE OTHER PARTICIPANTS

The other countries attending as participants are South Korea, Japan, the Philippines, Malaysia, Nationalist China, South Vietnam, Australia and New Zealand. Laos, nominally a neutral country, is represented by an observer.

"We are not necessarily anti-Communist," the 52-year-old Thai Foreign Minister declared, but he went on to say that the "new form of colonialism" of the Communists was "the most frightful and odious scourge of our time."

Lee Tong Won, the 40-year-old Foreign Minister of South Korea and conference chairman, who conceived this meeting many months ago, suggested that the organization might begin merely as an agreement to meet annually in each of the member countries in turn.

Etsusaburo Shiina, the self-effacing Foreign Minister of Japan, proposed that the discussions be conducted "not from the standpoint of establishing in haste a new and rigid form of cooperation but of promoting gradual and realistic cooperation on a broad basis."

VIEWS LIKELY TO PREVAIL

The views of Mr. Shiina and Mr. Khoman seem likely to prevail.

At a reception given by the Koreans in the garden of a traditional temple-roofed Korean pleasure villa tonight, the Thai diplomat said that he favored an organization in which the next host country for the annual meeting would supply the secretariat while various standing committees of the member, governments carried on continuing consultations in various fields of cooperation.

Narciso Ramos, the vigorous, experienced diplomat who recently became the Philippine Secretary of Foreign Affairs, and others look forward to a busily functioning association of non-Communist Asian and Pacific states with a commodities bank, customs union and other practical applications.

Australia and New Zealand, the only participating countries with a predominantly Western ethnic and cultural background in an area of mostly Eastern culture, shared the hard view of South Korean and Nationalist China on the Communist problem.

Paul Hasluck, the Australian Minister of External Affairs, referred to a statement by President Chung Hee Park of South Korea, in his welcoming address this morning, to the effect that it was sometimes necessary to fight for peace. Mr. Hasluck suggested that this could be the "keynote" of the conference.

"It is fitting that a meeting of this nature should be held in the Republic of Korea, for it was here that one of the critical turning points was reached in recent world history," the New Zealand Minister of Customs, Norman L. Shelton, said in a reference to the Korean war.

Tran Van Do, Foreign Minister of South Vietnam, noted that it was "remarkable" to have a gathering of non-Communist governments in a country where allied forces began fighting Communist North Korea 16 years ago this month.

NATO

Mr. JAVITS. Mr. President, NATO remains the linchpin of free world strength and unity of purpose. Despite the fact of French withdrawal from the integrated command structure of the alliance, the other 14 members desire to go forward.

In Chicago, on April 15, 1966, I delivered a speech outlining my thinking on the U.S. response to President de Gaulle's policy and to a number of problems presently facing NATO. My theme was that NATO must develop a political identity, going beyond a military alliance, in order to successfully survive the complexities and challenges of modern diplomacy. I ask unanimous consent to have inserted in the RECORD a copy of my remarks.

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

NATO CAN ANSWER DE GAULLE'S CHALLENGE

(Remarks of Senator JACOB K. JAVITS prepared for delivery at a luncheon of the Executives' Club of Chicago, Pick-Congress Hotel, Chicago, Ill., noon, Friday, April 15, 1966)

NATO is not about to fall apart. Neither the conflict in Vietnam nor President de Gaulle's withdrawal from the integrated command structure will destroy the unity and effectiveness of the alliance. For, NATO remains the core of Free World security and strength. The United States commitment to it continues to be our most important foreign policy responsibility and should be absolutely unimpaired.

NATO will survive the current French challenge. Indeed, the immediate effect of this challenge will be a greater NATO unity. This short-run effect was demonstrated unambiguously in the March 18th response of the remaining fourteen partners to President de Gaulle's note of French withdrawal. This joint note states that: "The North Atlantic Treaty and Organization established under it are both, alike, essential to the security of our countries," that "no system of bilateral arrangements can be a substitute," and that the whole apparatus still meets "a common political need."

But the confidence of today, the widely recognized conviction that NATO is still the key to Free World strength should not obscure the problems of tomorrow. Unless these are solved, NATO will become a mere shadow of itself in the future.

NATO's problems, however, run much deeper than a logistics relocation operation. Its purpose is being questioned because of the relaxation of Soviet pressure in Europe; its strength is being undermined by the short-sighted nationalism of the French President; its intentions are being challenged by artifically inspired West German demands for a nuclear voice; and its goals are being blurred by a lack of strong and consistent leadership from the United States.

Above all, NATO faces the challenge of transforming itself from a military alliance to a political community, to a true form of regionalism in the North Atlantic area. A military alliance is a negative form of unity. It exists only as long as the common threat is perceived by the partners in the same way. A political community derives its meaning from positive sources, by what it is for, by what it is trying to achieve, by the institutions and ideals upon which it rests.

NATO must establish bonds that hold, independent of a common danger. It cannot depend upon threats from the Soviet Union for its unity. Furthermore, no realistic NATO nuclear sharing arrangement to meet that threat can materialize unless is a genuine single political means to control it.

NATO must develop a political identity. How can this be done?

There must be a decision at the top to go forward. A Summit Conference of the Heads of State of the NATO countries is needed to set up a common political institutions; only a command decision at the top can set the machinery in motion.

For, left to their own devices, nations will go their separate ways, uniting only when it suits individual purposes. It is up to the United States to provide the leadership to weave together the diverse threads of the Western World. As a nation with preponderant economic and military strength, the United States must have the courage to go first and set the example. Our partners have accused us often and justly of trying to force arrangements on them which we would never accept ourselves.

The thrust of the Summit meeting should be an effort to unify the great number and variety of decision-making units in the Western world. As of today there are several dozen Western inter-governmental groups, with no consistent membership pattern, trying to promote cooperation in matters of trade, finance, monetary affairs, politics, technology, refugees, defense, and social life. Coordination among these groups is often ad hoc and limited.

The way to end this debilitating fragmentation is by the rule of substitution. Where there are several inter-governmental groups dealing with the same or similar problems, one group should be substituted for all—or, at least, one group ought to act as an executive coordinating body for the others.

The two groups-in-being that should take the lead in this unifying process are NATO and OECD. NATO could act as the focal point for political and military cooperation, thus superseding the Western European Union and a number of bilateral arrangements. OECD is the natural body to tie in North America with the Common Market and EFTA. To effect these ends, the North Atlantic Council—policy-making body of NATO—and the Secretary General of NATO should be delegated broader and more effective powers as provided for under Article 2 of the NATO Treaty. OECD, in turn, should be given a mandate to oversee all economic and trade negotiations.

In order to underpin these efforts, an Atlantic Consultative Assembly must be established. Only such a parliamentary body can nurture habits of cooperation and feelings of common loyalty. This Assembly should be composed of delegates selected by the parliaments of the 15 NATO nations—which is the composition of the NATO Parliamentarians Conference, now in its twelfth year—but with two major changes: (1) The Assembly should be empowered to discuss all Atlantic matters, economic and political alike; and (2) the five European nations that are members of OECD but not of NATO—Austria, Spain, Ireland, Sweden, and Switzerland—should be entitled to membership.

Finally, an Atlantic High Court of Justice is needed to round out the institutional picture. This Court should be empowered to decide specified legal controversies which may arise under Atlantic Community treaties.

It is essential that this "operation nucleus" start now. The decision to move in this direction is long overdue. It will take many long years of hard and pragmatic bargaining to establish the reality of an Atlantic Community and an appropriate infrastructure.

In the meantime, NATO is being buffeted by a whole range of problems that require immediate attention and decision. Our long range objective of an Atlantic Community should not obscure them. But the decisions of today must be made in the light of and in accordance with the ultimate goals.

There are six key problems facing NATO today.

(1) Since World War II, we have urged the United Kingdom to reorder its foreign policy priorities and merge itself with Western Europe. The Commonwealth is not the British Empire, and a close Anglo-American tie is no substitute for an intimate British-European connection. Western Europe needs the United Kingdom and the United

Kingdom can be greatly stimulated by Western Europe. A permanent British presence in the Common Market can assure the Benelux countries and Italy that they will not become pawns in a Franco-German struggle for ascendancy. It is also necessary for London to open up the Common Market door for the other countries of the European Free Trade Association.

(2) West Germany wants more status and influence within the alliance. Specifically, the Bonn Government wants to share in the control and use of nuclear weapons. I can sympathize with Bonn's desire for influence commensurate with its contributions, but I do not believe that nuclear weapons is the proper area for this new role. A German finger on the nuclear trigger will create two major difficulties: (a) it will be resented and feared by all European powers who still do not have complete confidence in German stability; and (b) it will undercut the U.S. drive for a non-proliferation treaty. A non-proliferation treaty must take precedence over any sort of NATO nuclear force. Just as our own government created the German demand for a nuclear voice by the MLF proposal of 1962, so we must now help the Germans to forego it.

(3) The French withdrawal from the integrated command structure of NATO and their request for NATO to leave French territory unless placed under direct French control, raises another set of difficulties. But these are not insuperable. It must be clearly understood that France has not withdrawn from the alliance as such. She still recognizes the need for the common defense. Unfortunately, France under de Gaulle is too preoccupied with the principle of nationalism and so is overly sensitive about any formal kind of cooperation. Also, while the French continue to pursue this line, NATO must take care not to be punitive to French interests to try to isolate France.

Every effort must be made to reserve France's rightful place in the alliance organization and to leave intact as much of the military structures as France will allow on her soil. For, we have a right to expect France to return fully to NATO when President de Gaulle leaves the French presidency—at least, the chances are good enough to warrant such planning.

During this transition period, the U.S. should reaffirm its commitments to the alliance and take the necessary steps in conjunction with the other members to relocate troops and supplies and keep the alliance operating.

(4) There is still an unsettled debate about strategic doctrine. Our European partners oppose the U.S. doctrine of flexible and controlled response. The Europeans fear that such a doctrine will lessen the credibility of our nuclear deterrent. We believe that credibility is a matter of meeting force with appropriate levels of counter-force. Such a debate can never be solved in the abstract, and we hope it will never be resolved in reality. The only reasonable response to the debate is to maintain the strength of NATO on all levels—conventional, tactical and nuclear.

(5) There is a feeling in some quarters that the Soviet Union no longer represents a threat to the security of Europe, that Moscow's motives have changed. But we cannot base policy on unknowable intentions and motives; we have to base it on capability. A divided Berlin and a divided Germany still present a constant source of danger and temptation.

(6) NATO is in the throes of a globalization debate. The U.S. wants NATO to take a more active role in conflicts and problems outside the Atlantic area. Our partners are reluctant to do so. In time, we hope our partners will realize that the security of the Western world is dependent on the struggles in the underdeveloped world. In time and with insistence, we hope they will undertake their proper share of this burden, as for example in Vietnam.

What should be the course of our own policy during this period? United States policy should be steady but not slow, purposeful but not pressureful, and unambiguous but not unsophisticated. Diplomacy is a tedious and intricate art, but it is an unfruitful process unless given clear direction from the top. Current crises and problems should not make us panic. They should make us realize that the time has come to set NATO on a new footing, not as a new military alliance, but as the nucleus for an effective Atlantic community.

CHINA

Mr. JAVITS. Mr. President, this has been a year of important resurgence regarding the discussion of Communist China in the United States. For many years, there were few constructive proposals on how we should deal with the China problem. Many people have now come forward with sound and analytical statements on what should be done.

In my home State of New York I recently delivered two speeches on United States-Communist China relations. The theme of the first, "China and the Peace of Asia," was that in the long run we must find some way to get along with Communist China, because without such a longrun understanding there can be no peace in Asia. The second speech, "Communist China and Nuclear Disarmament," is an attempt to enlarge on the theme of the first speech. I present the thesis that both the United States and Communist China must learn to negotiate what is negotiable and to talk in some areas while we dispute in others. I also make a proposal to invite Communist China to the Geneva Disarmament Conference provided that they first sign the nuclear partial test ban treaty.

Both speeches emphasize the fact that China's aggressive objectives and tactics have not changed, and that they are unlikely to respond positively to any proposals from us at this time. Nevertheless, I believe certain carefully posed contacts that do not endanger our security or undercut our diplomatic position should be made. Mr. President, I ask unanimous consent to have these two speeches inserted in the RECORD.

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

CHINA AND THE PEACE OF ASIA

(Excerpts of the remarks of Senator JACOB K. JAVITS, prepared for delivery before the Annual Masonic Dedication Service and Breakfasts, Waldorf and Astor Hotels, New York City at 10 a.m., Sunday, March 20, 1966)

The struggle in Vietnam is really a struggle to create and preserve peace and stability in Southeast Asia and in Asia as a whole. Because Vietnam is not an isolated conflict, because it does have the greater meaning of war or peace in Asia, it has led us to a search for causes and roots. The search has led back to Communist China.

Since 1949, United States policy toward Communist China has been static and largely negative. We have done and must continue to do what we must, that is, contain Red China militarily. But we should now begin as well, in a measured and careful manner, the process of trying to bring Communist China into the community of nations.

I believe that over the long term, we must find some way to get along with Communist China. Without such an understanding there can be no peace in Asia. Without it, Vietnam could be a beginning, not an end.

Those of us who are convinced that the so-called "wars of national liberation" are actually wars of aggression instigated and supported by Communist China, are also convinced that such wars must be frustrated. Our overriding reason is the future role of the Peking regime in the issue of war and peace in Asia. Viewed in this light, the struggle in Vietnam is one element in our policy toward Communist China. If we are successful in demonstrating our will to resist aggression, it can be a most fruitful national effort, it can lead to peace. If the results of the struggle are inconclusive, we will still be faced with the possibility of war.

I believe that we must ultimately come to some sort of agreement with Communist China. I do not believe in the wisdom or inevitability of preventive war, nor do I see any sense in a unilateral U.S. withdrawal from the Asian mainland. I am convinced that in the course of the long effort to find some way to get along, we had to show steel. Because of this, I support our limited military commitments and limited political objectives in Vietnam. But I consider what we are doing in Vietnam as part of a greater whole. It gives us a basis for making policy with respect to Communist China which could get us away from the static condition in which we now find ourselves, i.e. being against recognition, against any kind of trade, against admission to the United Nations, and against policies of other nations with respect to Communist China which differ from our own.

There is no question about the need for finding a way to deal with Communist China in respect to any Vietnam settlement. It is a fact that Communist China is the main supporter and stimulator of the North Vietnamese and ideologically the principle barrier to bringing North Vietnam to the peace table.

Whatever settlement may result on Vietnam will require some international action, such as supervision of free elections probably by the United Nations, and will require Communist Chinese participation. To make such participation practicable in a settlement it would be necessary to have Communist China as a member of the community of nations, making the settlement. Accordingly, just as I have concurred with the President that in peace negotiations regarding Vietnam there should be unconditional discussions, so I believe that in connection with such peace negotiations there should be "unconditional discussions" with Communist China.

This is only a step and the meaning of this step must be celarly understood. It is important to consider what we are not doing under such circumstances. We are not recognizing Communist China or agreeing to trade with it or to cease opposing its admission to the UN. We are saying only that we are willing to discuss all questions and to abide by the results of an agreed-upon treaty or agreement.

We are not turning our back on the Chinese Nationalist government on Taiwan which as a state and as a member of the UN must be assured that its national integrity is being fully respected.

We are not in any way lessening our determination to resist—with military means or otherwise—the change of governments by force, subversion and aggresssion, whether or not called a war of national liberation, and that we propose to stand by our military commitments to resist subversion or aggression in the future.

We are not in any way retreating from our purpose or our determination in Vietnam—that its people should be in an atmos-

phere of peace freely decide their own governmental future.

We are not seeking the approval or agreement of Communist China, nor are we in fear of Communist Chinese rejection. We are continuing our peace offensive on a broader and more inclusive scale, facing realistically the real problem—Communist China—and confident that other nations will realize that it is never embarrassing to face reality, especially when speaking and acting from a situation of strength.

I have no illusions about Peking's reaction to such a proposal or to any other peace overtures—at this time. Mao Tse-tung and the other old revolutionaries, locked as they are in the prison of their own dogma, will respond with hate and invective in the negative. On March 3, Jenmin Jih Pao, a Communist party newspaper, commented that the U.S. Senate debate on Vietnam was a "camouflage to hoodwink the people," and that both the "hawks" and the "doves" are "fools." On March 14, Vice President HUMPHREY was treated with the same sort of disdain by the Communist Chinese leaders. The day after he hinted that Washington may be prepared to adopt a policy of containment without isolation, the Chinese Communist leaders called his suggestion the "kiss of Judas".

As of now, the Red leaders are completely preoccupied with maintaining their doctrinal purity. They shun any formal contact with the "American imperialists." They believe that their appeal in the developing nations rests on an uncompromising ideology and on implacable hostility to the West. They are dead wrong in this belief. Recent events in Cuba, where Castro has turned his lengthy diatribes against Peking, in Africa where the overthrow of governments which had become too much under Chinese communist influence was greeted with immense African approval, and in Indonesia where the overwhelming number of Indonesians have risen up in support of the Army's efforts to prevent a communist takeover—all these events are testimony to the blindness of Peking's doctrine.

Our problem is to bring Peking to the realization that not only has its dogmatism failed, but that its refusal to recognize this failure will be dangerous—to everyone concerned. As long as the Peking leaders remain entrapped by their own propaganda, every conflict runs the risk of escalation. As long as their ideology provides no room for peaceful coexistence, every small dispute China has with another nation can become a full-blown confrontation. This is not only true of Peking's relations with the West, but within the Communist world as well.

How can we bring Communist China into the international community of nations for the purpose of making peace in Vietnam without selling out other peoples or our own ideals and commitments?

The answer to this question must revolve around a general policy of strength and sensibility, containment but not isolation of the Chinese people.

We can have peace in Vietnam only if the priorities of Peking are reordered. To do this, we must maintain our strength while showing our willingness to negotiate unconditionally with Communist China, as well as with North Vietnam and the National Liberation Front.

COMMUNIST CHINA AND NUCLEAR DISARMAMENT

(Excerpts of the remarks of Senator JACOB K. JAVITS prepared for delivery at the Sixth Annual Banquet of the Iona College Alumni Association, Commodore Hotel, New York City, 7:30 p.m., Thursday, June 9, 1966)

Will Communist China join the community of nations?

This, in the 1960's, is the most crucial question in respect of the future peace and stability of the world.

The United States, the most powerful nation on the face of the earth, must play a leading role in assuring that the answer to that question is a positive one. In my opinion, we can help to bring about a positive answer by our strength—moral as well as physical—not our weakness; by our patience, not our haste; and by our reasonableness, not our inflexibility, and not by unilateral concessions.

It will take time; there will be frustrations, set-backs and even dangers, but the process of building bridges between Communist China and the world community must be pursued.

Until now, however, I feel we have been mesmerized by the dream of some magical event—some mystical world conference—in which all major disputes between China and the remainder of the world may be eliminated at one stroke. But the history of international relations demonstrates that the process of accommodation in relative peacetime between hostile nations is a piecemeal one. It rarely happens at one stroke. Package deals are illusory, and complex diplomatic problems must be treated separately and on their individual merits. With respect to U.S. relations with the Peking regime, this means that both nations must learn to negotiate what is negotiable and we must learn to talk in some areas while we may dispute in others.

I have hoped—and continue to hope—that a breakthrough might come in Vietnam. To this end, I have repeatedly proposed that the United States state its willingness to engage in "unconditional discussions" with Communist China with respect to Vietnam. Unhappily, the Peking leaders, as well as those in Hanoi, show no signs of compromise. The only hopeful signs in Vietnam come not from Peking or Hanoi, but from the prospect of genuinely free elections in South Vietnam. If these free elections are held as scheduled and if the South Vietnamese are able to submerge their differences enough to form a reasonably representative civilian and constitutional government, the cause of peace and freedom will be greatly strengthened.

But the fact that the aggressors in Vietnam are not willing to come to their senses does not require that the rest of our diplomatic machinery come to a halt. Indeed, our government is quite frequently engaged in talks with Communist China at the Ambassadorial level in Warsaw. This contact is a vital one, but it is only one link. In the nuclear age neither the Chinese nor the rest of the world should allow it to be the only link.

I therefore, propose another link. I propose that Communist China be invited to the Eighteen Nation Disarmament Conference in Geneva, if it will sign the Partial Nuclear Test Ban Treaty.

Over 110 nations have already signed the Partial Nuclear Test Ban Treaty, and it seems to me that Communist China should first assume these same treaty obligations, as so many others have, before discussions can be fruitful.

The Geneva Disarmament Conference is making important but slow progress in several areas. The issues in dispute between the U.S. and the Soviet Union in regard to the nuclear non-proliferation problem are now clearly focused. The major obstacle to the completion of this vital treaty is the question of nuclear sharing within NATO. We want to find some way to satisfy the interests of our allies, and the Soviet Union wants to guard against a West German finger on the nuclear trigger. If NATO can agree to some internal arrangement based on the principle of consultation on nuclear matters rather than joint ownership, there is a good chance that the non-proliferation treaty could become a reality, probably when the acute Vietnam crisis is behind us. On the problem of extending the partial test ban provisions to cover underground tests, there are also some positive signs. Significant advances have been made in the technology of detecting underground nuclear explosions. The key stumbling block, however, remains Moscow's refusal to accept the necessity for any inspections whatever of "suspicious explosions," that is, explosions that are difficult to distinguish from earthquakes.

Communist China should not be allowed to make a propaganda circus of the Geneva discussion if it joins them. The best way to guard against this is to give the Peking leaders some stake in the success of the talks. Signing the Partial Test Ban Treaty would be a step in that direction. Permitting Communist China to introduce other issues for discussion, such as their own proclaimed interest in a "no first strike" nuclear agreement, would be another step. Our own government, in fact, has already indicated a willingness to discuss this "no strike" issue if the Chinese would agree to stop its atomic testing in the atmosphere.

Inviting Communist China to the Geneva Conference as a way of adding to its links with the world would also have the advantage of not prejudicing the recognition problem. The disarmament meetings in Geneva are independent of the United Nations. Communist China's membership would not commit our own government in any way to recognizing this regime or to giving it membership in the U.N. Moreover, it would not be difficult to extend the invitation. The U.S. and the Soviet Union, as co-chairmen of the conference, could make the offer. Of course, some provision must also be made at that time to keep the proper balance at the conference between Warsaw Pact, NATO, and neutralist powers.

I have no illusions about the likelihood of Communist China's response to the invitation. It will probably say "No" to the offer, and will continue to instigate its so-called "wars of national liberation." But I also have no doubt that the U.S. should attempt to bring the People's Republic of China into a genuine dialogue on disarmament and other security matters. Peking has recently exploded its third nuclear device, and the radioactive fallout from this explosion was dangerously high. Whether we like it or not, Communist China is fast becoming a nuclear power.

On April 16, Secretary of State Rusk laid down the principle of our policy toward Communist China. He said: "We must take care to do nothing which encourages Peking—or anyone else—to believe that it can reap gains from its aggressive actions and designs. But, at the same time, we must continue to make it plain that, if Peking abandons its belief that force is the best way to resolve disputes and gives up its violent strategy of world revolution, we would welcome an era of good relations." I subscribe to this principle, and my proposal of today is made in this spirit.

VIETNAM

Mr. JAVITS. Mr. President, on June 12, 1966, I delivered the commencement address at Hofstra College. This address represents my thinking on the situation in Vietnam.

In this address, I deal with the two most pressing problems in Vietnam: First, elections; and second, escalation. Fair, open, and free elections and a speedy conversion to a caretaker civilian government are needed to give the Government of South Vietnam the legitimacy the Government needs and the people of South Vietnam want. In regard

to bringing peace to Vietnam, positive and constructive proposals should be made to bring the conflict to the conference table. My address contains proposals for a military freeze.

I ask unanimous consent to have my remarks printed in the RECORD.

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

THE NEED TO PREVENT ESCALATION IN SOUTH VIETNAM

In such a setting as this, it is appropriate that we think of our life purpose, both as individuals and as Americans. As individuals I am sure this purpose is on every mind and heart and I would contribute only little within this context to your individual thoughts.

But on our purpose as a nation I can perhaps be helpful. Because of our productive power, traditions and geographic location, we are a nation that has fallen heir to world responsibility. Our people have accepted and carried out this role as being vital to our security and to our ideals—but we still feel uncomfortable with this responsibility. Yet, we are probably the first of the world powers in history that can sincerely demonstrate that we want nothing but peace and freedom for all and the broadest possible opportunity for all people.

By now it is also quite true that we have no doctrinaire preconceptions about social and economic systems and are perfectly willing to live in peaceful co-existence even with Communist states, provided they do not practice aggression or subversion upon others.

Within this context, it is proper to ask why Vietnam has become such an overriding issue in our country. We have faced military challenges before, as for example, in the Berlin Blockade, the Korean War, and the Cuban missile crisis—but these seemed easier to explain.

In Berlin, we had the full support of the Western world, and we were defending unequivocal rights of access to this city. In Korea, the North Korean attack across the 17th parallel was a clear case of aggression, and we acted as the major part of a United Nations Police Force to repel the aggression. The Cuban missile crisis was close to home, it was a clear attempt by the Soviet Union to alter the balance of power, and our allies came to our support immediately.

Vietnam is more difficult to explain. As the threat becomes more subtle and the area more distant from our traditional concerns, it is harder to understand—but it is no less a threat. We have allies in Vietnam—in fact, those nations in the area, among others, which also feel their security is at stake—but their number and capacity are limited.

The point that troubles so many Americans is the unusual amount of disapproval in the free world for the position we have taken and the way we are carrying it on. All the more reason why our policy in Vietnam needs to be spelled out and be clearly understood by every American if possible—so grave is the issue, so critical are its implications.

In reflecting on the first catastrophic year of World War I, Winston Churchill wrote that "events passed very largely outside the scope of conscious choice. Governments and individuals conformed to the rhythm of the tragedy, and swayed and staggered forward in helpless violence, slaughtering and squandering on ever-increasing scales . . ." Reflecting on war in general, Karl von Clausewitz, the dean of military historians, warned that all military conflicts tend to outstrip political objectives and develop a logic of their own.

Vietnam must not become a case in point.

My own thinking on Vietnam has been governed always by four principles:

First, that our cause of helping the South Vietnamese people to defend themselves is a just one, and that our objective of allowing the people freely to determine their own future should be pursued by limited military means. The objective would make little sense if it led to the devastation of South Vietnam and a wider Asian land war.

Second, that the conflict should end in some kind of negotiated settlement, and that we must do all we can to bring all relevant parties, including Communist China, North Vietnam, and the National Liberation Front, to the baragining table. This requires that our objectives be reasonable and our means measured; it does not mean unilateral concessions by the U.S.

Third, that we should focus our energies on means to develop a freely elected, representative, and workable government in Saigon. Only such a civilian government can gain legitimacy and acceptance from the Vietnamese.

Fourth, that if there is to be no stable Saigon Government because the leaders of the various factions will not submerge their personal power drives for the common effort against a communist takeover, the U.S., notwithstanding its determination to see the struggle through, cannot remain in Vietnam. I feel the American people are flatly opposed to U.S. forces fighting alone—or to a U.S. takeover of South Vietnam.

As I see the situation, then, we must pursue peace through strength and reasonableness in order to prevent the further escalation of the conflict, and we must help to stabilize and legitimize the Saigon Government in order to achieve our purpose—the social and economic reconstruction of Vietnam under self-determination.

PURSUING THE PEACE

In order to prevent the fighting from developing a logic of its own and in order to avoid a condition where military decisions determine political choices, the escalation of the conflict must be ended.

There must be a military freeze before there can be hope for peace discussion to begin.

I think it is important to distinguish between a military freeze and a cease fire. A freeze simply means to fix a ceiling on the present magnitude of battle, particularly in respect to the introduction of new troops. At this stage of the Vietnam conflict, there is probably little hope for a prolonged or extended cease fire. More likely, as in the Korean War, fighting will occur during the negotiations themselves. The establishment of a cease fire agreement and the details of policing it will also be the business of the eventual peace conference.

To the end of bringing about discussions through a military freeze, I would make the following proposals:

1. That, subject to international verification, the United States agree to stop sending additional troops into South Vietnam in return for a North Vietnamese pledge to halt the infiltration of their soldiers into South Vietnam.

North Vietnamese infiltration is now exceeding 6,000 per month. U.S. troop introductions during the next twelve month period are likely to average 10,000 per month. At this rate, the already high casualties will double in a year's time.

2. That the United States agree to cease bombing in North Vietnam in return for a North Vietnam and NLF pledge to come to the conference table and negotiate for peace.

The cessation of bombing in the North should provide Hanoi with some face-saving reason for agreeing to talk. It could also create a calmer atmosphere for the talks.

3. That the Geneva Conference of 1954 be reconvened in order to conduct the negotiations, and that the NLF be allowed to sit at the conference as an "independent party."

I suggest the Geneva Conference rather than the United Nations because of the fact that neither North Vietnam nor Communist China are members of the U.N. and would, therefore, object to a U.N. framework. Moreover, the Geneva Conference, unlike other possible international bodies, is composed of nations that have a direct and intimate stake in Southeast Asian Affairs. That is not the time to go looking for a new international body—only to argue about composition and procedure all over again.

These are my proposals, yet even as I make them, I am not sanguine about the possibilities of negotiations at this time. Peking, Hanoi, and the NLF show no signs of willingness to end the struggle. Their preconditions for negotiations are "immediate, complete, unconditional withdrawal of U.S. troops," and "the recognition of the NLF as the only legitimate voice" of South Vietnam. These are not negotiating points, they are ultimatums. The main responsibility for preventing a peace conference lies squarely on the communists' shoulders.

The U.S. has repeatedly stated its readiness to discuss "anything with anyone", and no preconditions have been attached. If the communists do not believe the sincerity of this offer, they have but to test us to find out.

But the fact that we have made this open offer to talk does not mean that we are relieved of further responsibility. The President has an obligation to continually restate and clarify our objectives, and to explain these in positive and realistic terms to the American people and the world. In recent weeks, the U.S. people's "consensus" behind the President's policy in Vietnam has diminished. I believe this is, in large measure, due to a sense of drift regarding the President's conduct of the conflict and due to the frustration generated by the internecine quarrels among the South Vietnamese leaders.

Specifically, it is my impression that the American people feel that the President has not been forceful enough in presenting U.S. interests in the current South Vietnamese power struggle. I believe that the American people are losing patience with intramural power plays in Vietnam by local military, political and religious groups, and that they want the President to make this perfectly clear to the South Vietnamese. I am not implying that our own people want the President to dictate a solution or support any particular faction or man in South Vietnam. What I am saying is that I believe the American people want the President to state that unless these internal differences are settled, we cannot remain in South Vietnam.

I also believe that the American people are unhappy about the fact that the President has apparently accomplished little in bringing the negotiating position of the Saigon Government on peace in Vietnam into line with our own. Premier Ky has often stated that he will not discuss any matter with the NLF under any circumstances. We cannot become tied to such an unbending position.

The thrust of what I am saying is that neither we nor the Vietnamese can afford the luxury of taking positions that contribute only to the escalation of the conflict and not to peace.

ELECTIONS AND LEGITIMACY

Free elections are the single most important elements in the future stability of South Vietnam. If the communist leaders continue to foreclose the possibility of negotiations, free elections may be the only way for the Saigon Government to establish the legitimacy it needs and the people of South Vietnam ought to have.

If every step of this electoral process, from campaigning to the installation of a

new government, is not conducted with the openness and fairness it deserves, hope for bringing peace to Vietnam will seriously recede.

The various South Vietnamese factions seem to be fighting primarily over power, and not over purposes. The over-whelming majority of these same people do not want to be ruled by a communist dictatorship any more than a military one.

The South Vietnamese leaders must learn that their quarrels only defeat their ends. I was pleased to learn last week that there are some hopeful signs in this regard.

The Electoral Commission of South Vietnam has properly recommended that the Constituent Assembly to be elected next September should "also have legislative power" and could transform itself into a full-fleged parliamentary body if the proposed constitution so provides. It would be very unwise for the military junta to prolong unduly their own military form of government; the transition to a caretaker civilian government should be made as quickly as possible.

The Electoral Commission also recommended that the Saigon Government request U.N. observation of the elections. This is an important sign of good faith, and I hope that the U.N., notwithstanding the opposition of the Soviet Union and France, will assume this responsibility. Some outside international supervision of the elections is most desirable.

It would be appropriate, in addition, to call for a cease-fire during the period of the elections. If need be, this cease-fire should be unilaterlly declared. All bombing should stop, and U.S. and ARVN troops should be ordered to fire only in self-defense.

While I am pleased that the Electoral Commission has asked the Saigon Government for a speedy transition to civilian rule and for international supervision of the elections, I am concerned by another of the Commission's proposals.

The Commission proposed that "those who directly or indirectly are involved in any activity favoring communism and neutralism . . . should not be permitted to stand as candidates."

It is a dangerous practice to allow local officials to determine who are included in an abstract definition of "communists and neutralists."

Also, the election must be open to all—universal suffrage by secret ballot should be the basis of participation in the September elections, otherwise the results of the election might not be truly representative of all the South Vietnamese people.

As a practical matter, however, we must realize that there are certain areas of South Vietnam in which it may be impossible to have free elections. All those who observe these elections—the U.S., the U.N., and other international bodies, and the whole world—will be able to judge whether areas so excluded by the Saigon Government invalidate the essential fairness of the election. The Saigon Government must, therefore, be careful not to exclude areas in an arbitrary manner—and I hope our Government will make this clear, too.

Should the people of South Vietnam decide in these elections that they no longer desire U.S. assistance, we should withdraw. It is my belief, however, that the people of South Vietnam will freely choose to retain our help in the joint effort to bring about peace and freedom and the social and economic construction of South Vietnam for which its people have sacrificed so much.

Peace is an elusive condition in human affairs. The history of man is dotted endlessly by needless conflicts.

Abraham Lincoln, in his Second Inaugural Address, has given us the criterion; we have but to follow it: "Let us strive to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations."

THE 50TH ANNIVERSARY OF THE CHARTERING OF THE BOY SCOUTS OF AMERICA

Mr. HILL. Mr. President, this is a memorable date for the 38 million Americans who have been or are now associated with one of the greatest youth organizations in world history, the Boy Scouts of America. It is likewise a date of great significance to our beloved President pro tempore, the Senator from Arizona [Mr. HAYDEN].

It was 50 years ago, on June 15, 1916, that President Woodrow Wilson signed into law the bill authorizing a congressional charter for the Boy Scouts of America. Today is the golden anniversary of that event.

CARL HAYDEN is the one Member of the 89th Congress who was also a Member of the 64th Congress, which approved this bill 50 years ago. He voted for it as a Member of the House, representing the State of Arizona.

His vote on that occasion was but one of innumerable instances of CARL HAYDEN'S lifelong concern for American youth.

The bill chartering the Boy Scouts was introduced in the House as H.R. 755, and passed that body on March 6, 1916. On May 31 of that year, it was approved by the Senate. The bill was duly signed by the then Speaker of the House, the Honorable Champ Clark, of Missouri, and the Honorable John H. Bankhead, Sr., of Alabama, then Acting President pro tempore of the Senate. The key section of that act read as follows:

> The purpose of this corporation shall be to promote through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in Scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues, using the methods which are now in common use by the Boy Scouts.

Congress has every reason to be proud of the action it took in 1916 in providing a Federal charter for the Boy Scouts of America. As Senator HAYDEN himself has written:

> Judged by its outstanding accomplishments, no organization has proved to be more worthy of a Federal charter.

By 1955, on the 45th anniversary of the founding of the American Scout movement, there remained only four Members in Congress who had served in the 64th Congress, and who had voted in 1916 to charter the Boy Scouts of America. These four men, all of whom had made historic contributions to our Nation's progress, together issued a proclamation on February 8, 1955, celebrating the 45th birthday of the Boy Scouts of America, and reminding the Scouts that the purpose for which their charter was created by the Congress "continues as your vital service to our beloved America." The four signers of that proclamation were Sam Rayburn, Speaker of the House of Representatives, Carl Vinson, chairman of the House Committee on Armed Services, Alben W. Barkley, former Vice President of the United States and Senator from Kentucky, and our dear colleague, CARL HAYDEN.

In commendation of CARL HAYDEN'S leadership in the Scout movement, the National Council of the Boy Scouts of America, on June 14, 1962, awarded him Scouting's highest award, the Silver Buffalo, for "distinguished service to boyhood."

On January 14 of this year, Senator HAYDEN offered a resolution, Senate Concurrent Resolution 68, which I had the honor to cosponsor, expressing the sense of Congress on the 50th anniversary of the chartering of the Boy Scouts of America. The resolution was ordered reported to the Senate from the Committee on Labor and Public Welfare on Jan-10, and was approved by the House on February 21. May I remind the Senate that in adopting that resolution we resolved:

> That the Congress hereby pays tribute to the Boy Scouts of America on the occasion of the fiftieth anniversary of the granting by Act of Congress of the Charter of the Boy Scouts of America, and expresses its recognition of and appreciation for the public service performed by this organization through its contributions to the lives of the nation's youth.

Mr. President, it is indeed deserving and fitting that the Boy Scouts of America be so recognized on this auspicious occasion for them, for the Congress, and for the Nation. I am proud to have had a part in the resolution making this occasion possible and to have this opportunity to add my words of personal appreciation and gratitude to the Boy Scouts for all they have done through the years for our Nation's youth. I salute our Boy Scouts of America on the 50th anniversary of their chartering by Congress and say to them as emphatically as I can, "Continue with the same energy and vigor that in the past you have so magnificently displayed to instill in the hearts and the minds of our Nation's youth, at a time when it is so vitally necessary, the noble and lofty ideals of patriotism, courage, self-reliance, and kindred virtues on which you were founded."

AMENDMENT OF SECTION 502 OF THE MERCHANT MARINE ACT, 1936

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1164, S. 2858.

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

THE LEGISLATIVE CLERK. A bill (S. 2858) to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with an amendment, in line 6, after the word "thereof", to strike out

"June 30, 1968" and insert "June 30, 1967"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in the second sentence of subsection (b) of section 502 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1152(b)), is amended by striking out "June 30, 1966", and inserting in lieu thereof, "June 30, 1967".

Mr. LAUSCHE. Mr. President, the purpose of S. 2858 is to extend for 1 year the present authority of the Secretary of Commerce to make construction differential subsidy payments of a maximum of 55 percent on new merchant vessel construction. In 1936, when the vessel construction subsidy bill was adopted, it contained a provision that the Government would subsidize the construction of private ships up to an amount not to exceed 50 percent of the cost of the ship.

It was argued at that time that in order to develop an adequate U.S. merchant marine, it would be necessary for the Federal Government to subsidize its construction and operation. It was then argued that a 50-percent subsidy was justified and that in the course of time the differential in the cost of building a vessel in the United States as compared with the cost of building a vessel in a foreign country would grow less and less.

Instead of the cost growing less and less, it has grown larger and larger. Instead of the merchant marine getting better and better, it is growing weaker and weaker. This is happening in spite of the fact that the U.S. taxpayers have provided in the course of 30 years $2 billion to subsidize the operation of the merchant marine of the United States, run by private industry. The amount of the subsidy is $2 billion.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Ohio be permitted to continue for an additional 5 minutes.

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

Mr. LAUSCHE. Mr. President, I ask unanimous consent that a tabulation entitled "Net Operating-Differential Subsidies Paid From 1936 to January 31, 1966, by Calendar Years of Operation," be printed in the RECORD.

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

Net operating-differential subsidies paid from 1936 to Jan. 31, 1966, by calendar years of operation

Calendar year	Ships subsidized	Amount
1937	138	[1] $5,956,694.49
1938	170	
1939	156	
1940	139	[2] 10,644,517.00
1941	132	
1942	49	
1943-46	0	0
1947	159	3,209,961.81
1948	213	13,571,304.81
1949	241	29,682,083.69
1950	254	48,626,359.48
1951	254	46,040,472.84
1952	273	63,548,311.78
1953	269	93,340,111.96
1954	281	104,509,768.66
1955	290	103,190,611.18
1956	297	105,520,498.85
1957	308	118,410,363.28

Net operating-differential subsidies paid from 1936 to Jan. 31, 1966, by calendar years of operation—Continued

Calendar year	Ships subsidized	Amount
1958	309	$139,404,564.90
1959	313	158,029,797.89
1960	309	160,288,184.40
1961	300	163,926,240.68
1962	302	169,711,540.34
1963	316	179,748,832.54
1964	318	190,467,298.83
1965	317	148,357,125.68
1966	307	
Total		2,056,184,645.11

[1] Temporary subsidy.
[2] Prewar subsidy (1936-41).

NOTES

1. Amounts are net of recapture collected and/or applied.
2. Amounts shown are the amounts paid to all operators for each calendar year of operation without regard to the year or years in which such payments were actually made. Actual amounts paid during each fiscal or calendar year are not readily available, except for very recent years.
3. Breakdown by years prior to 1947 is not available in the accounting records.
4. From Mar. 31, 1942, to Dec. 31, 1946, the American merchant marine was operated for the Government; no operating differential subsidy was paid except on 4 voyages terminating in the first quarter of 1942.

Mr. LAUSCHE. Mr. President, in addition to the $2 billion grant in the last 3 years to operate a privately owned merchant marine, the U.S. Government has expended $815 million to subsidize the building of ships.

We have provided a subsidy of practically $3 billion to these operators. In addition to these subsidies, we mandatorily make available to them cargoes that are sent throughout the world under Public Law 480. We also mandatorily make available to them cargoes that are shipped by the Department of Defense.

I am not prepared at this time to say what benefits are received in shipping food and Department of Defense military equipment under Public Law 480. However, they are tremendous.

We announce in effect to the shipping operators and to the labor leaders: "The Federal Government will subsidize you in the amount you need."

The inducement increases the cost of construction and operation, with the knowledge that the taxpayers will have to pay the burden. The primary objective is to build an improved merchant marine. The law has not done it. The merchant marine has grown weaker and weaker in each succeeding year.

Mr. President, I ask unanimous consent that the individual views which I filed to S. 2858 be printed at this point in the RECORD.

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

INDIVIDUAL VIEWS OF MR. LAUSCHE

We are again confronted with an administration request to extend the annual $100 million shipbuilding subsidy for another year which renews the limit of 55 percent for the construction of new merchant ships and a 60-percent limit for the reconversion of certain passenger vessels. This subsidy represents the difference between the world market price and the price of constructing the same ship in American shipyards.

The current subsidy program of cost parity was provided by the Merchant Marine Act of 1936 in order to maintain an efficient, sound, and competitive merchant marine. However, since that time, this program for competitive survival has cost the U.S. taxpayer over $740 million for just the construction and reconstruction subsidies.

I would like to submit for the careful consideration of my colleagues the following figures showing the yearly amounts which have been paid to the merchant marine industry under the construction and reconstruction differential subsidy programs:

	Construction-differential subsidies	Reconstruction-differential subsidies
From inception to June 30, 1953	$131,571,571	
Fiscal year 1954	5,538,417	
Fiscal year 1955	5,358,663	$342,058
Fiscal year 1956	1,613,737	14,368,668
Fiscal year 1957	16,379,075	1,117,694
Fiscal year 1958	22,637,540	4,731,608
Fiscal year 1959	21,761,846	7,065,416
Fiscal year 1960	69,156,794	4,828,227
Fiscal year 1961	102,118,519	657,379
Fiscal year 1962	136,858,263	3,906,765
Fiscal year 1963	97,715,325	3,550,308
Fiscal year 1964	79,987,066	2,349,230
Fiscal year 1965	87,377,684	334,533
Total	777,992,202	49,777,871

However, despite these heavy subsidy payments from the U.S. Treasury, this country has been lagging behind in world trade for many years—even though we are the world's largest trading Nation. Fifteen percent of the world's exports and imports are supplied by this country; 99 percent of which go by ship. Ten years ago, U.S. ships carried more than 40 percent of this trade, but today we rely upon other maritime nations to carry over 90 percent of it.

Even with a continued increase in Federal expenditures, our merchant marine industry continues to decline. In this connection, the most significant index to show the competitive position of the United States, and whether our position has grown better or worse, can best be illustrated by the ship construction differential rates established by the Maritime Subsidy Board on cargo ships during the past several years. This chart will illustrate the disparity which exists between the foreign and U.S. shipbuilding costs and that it is continually widening.

The following table indicates calendar years during which subsidized ship construction contracts were awarded and the average subsidy rate applied to all ship construction contracts awarded during that corresponding year:

Average CDS for ships awarded in that year

	Percent
1951	41.47
1952-56	([1])
1957	46.1
1958	48.1
1959	49.1
1960	49.7
1961	49.4
1962	50.1
1963	53.3
1964	53.5
1965	53.3

[1] No subsidized cargo ship construction.

Our shipbuilding prices are continuing to rise at a faster rate than foreign prices so that the price differentials will shortly exceed the present proposed limits.

The Maritime Administration has pointed out that "* * * it cost the American shipyard more for the parts alone than it costs the foreign shipyards to deliver a finished ship."

However, material alone is not responsible for this situation. The continued rise in labor costs and the increasing disparity between the United States and foreign hourly wages should concern all of us. For example, the typical hourly pay for a first-class ship-

yard mechanic in the United States is approximately $2.95 as compared to $1.43 in Sweden; 95 cents in England; 47 cents in Italy; and 40 cents in Japan.

I am opposed to the further extension of this 55- and 60-percent authority because it is my firm conviction that it provides an extra incentive to interested parties to press for the highest differential percentages obtainable.

I believe the Federal Government should establish a limit in which it will participate to retain a strong and economic merchant marine. This limit should not exceed the 50-percent ceiling as established in the original Merchant Marine Act of 1936 and serious efforts should be made to reduce the subsidies further.

Shipping costs—and especially shipbuilding costs—in the United States have risen to where they are positive threats to the future of U.S. shipping.

It is my conviction that if the basic 50-percent construction subsidy is not enough for commercial shipbuilding, we should seriously reevaluate whether the taxpayers can afford or need such a shipyard subsidy program.

FRANK J. LAUSCHE.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that an article entitled "Maritime Chief Hails No-Subsidy Ship Plan," published in the Washington Post, which article sets forth the amount of subsidies rendered for the construction of ships, be printed at this point in the RECORD.

There being on objection, the article was ordered to be printed in the RECORD, as follows:

MARITIME CHIEF HAILS NO-SUBSIDY SHIP PLAN

(By Frank C. Porter)

Maritime Administrator Nicholas Johnson yesterday hailed a maverick U.S. transport firm's plans to build three container ships and operate them without Government grants as a possible means of "breaking the subsidy barrier."

It was Johnson's latest salvo in his running battle with the Nation's subsidized shipowners and shipyards, who accuse him of trying to wreck the U.S. merchant marine.

The occasion was the announcement that the Electric Boat Division of General Dynamics Corp. will build the three revolutionary ships for Sapphire-Atlantic Express Lines at a cost of $58.5 million.

The law requires that firms receiving operating subsidies must build their vessels in American yards with Uncle Sam picking up more than half the tab since it costs more than twice as much to construct ships domestically than it does overseas.

Although unsubsidized Sapphire is not subject to this structure, Chairman Marshall Safir said yesterday that it will prove economical to build in a U.S. yard since mortgage financing can be obtained for a 25-year term here rather than for the 8 or 10 years required abroad.

Maritime Administrator Johnson has tentatively approved Sapphire's application for Government insurance of 75 per cent of the mortgage under Title XI of the Merchant Marine Act of 1936.

"The day of subsidy is going and with the launching of these new automated vessels that day will be gone forever," said Safir, who complained bitterly of alleged harassment by his subsidized competitors.

"We have discovered that subsidy does not build a healthy merchant marine; on the contrary, subsidy only breeds more demands for more subsidy, and the taxpayer winds up paying for inefficiency and waste."

The Government pays roughly $200 million in direct ship operating subsidies and about $100 million in shipbuilding grants. In addition it pays out nearly another $100 million in indirect subsidies for shipping Government cargoes in American vessels at about double prevailing world freight rates. This is the lifeblood of the American tramp and bulk carrier fleet, which receives no direct subsidy.

Skeptical reporters asked Safir how he hoped to operate his container ships competitively without subsidy.

Safir had a single answer: greater productivity. Executive Vice President W. Leslie Schultz produced a table showing that the cost of operating Sapphire's 30,000-ton container ships will run 1.4 cents per cubic foot a year compared with 2.3 cents for smaller container ships and 3.2 cents for a C-4, a conventional merchant vessel.

Thomas E. Dunn, director of advanced design for the Electric Boat Division, said General Dynamics expects to cut building costs by using standardized design and assembly line techniques. Most American merchant ships today are custom built from individual designs.

In line with what Dunn calls its "total systems concept," General Dynamics also expects to build automated port facilities for the ships, which would carry 20- and 40-foot long containers capable of being loaded at distant points and moved efficiently to dockside by truck or train.

Mr. LAUSCHE. Mr. President, I call the specific attention of the Senator from Delaware to my statement. We now have the first signs of a possible breakthrough, and I think the breakthrough will come unless Congress interferes by extending the program indefinitely.

The Electric Boat Division of General Dynamics Corp. will build three revolutionary ships for Sapphire-Atlantic Express Lines at a cost of $58.5 million.

The operators of this company are not asking for a subsidy. They will build the ships on their own. They contend that they will be able to compete with other merchant marine operators even though those other operators are receiving this huge and extravagant subsidy to which I referred.

The article quotes Mr. Marshall Safir, the chairman of the board of directors of the Sapphire-Atlantic Express Lines, as follows:

We have discovered that subsidy does not build a healthy merchant marine; on the contrary, subsidy only breeds more demands for more subsidy, and the taxpayer winds up paying for inefficiency and waste.

The article further states as follows:

The Government pays roughly $200 million in direct ship operating subsidies and about $100 million in shipbuilding grants. In addition it pays out nearly another $100 million in indirect subsidies for shipping Government cargoes in American vessels at about double prevailing world trade rates.

This company believes that they will be able to operate without a subsidy if they place larger containers on the ships which they will construct.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. I wish to congratulate the Senator from Ohio on the report which he has just placed in the RECORD. I concur completely in his remarks.

There is no question that over the years this continuous expansion of a subsidy for the merchant marine has not had the effect of strengthening it, but rather has put the industry in a weaker position of complete dependency on the Federal Government. I believe that the measure before the Senate, which would extend for another year a so-called temporary measure that was started about 5 years ago, should be defeated. At the time that this 55-percent formula was first proposed I joined the Senator from Ohio in stating that it would not be a 1-year measure, as advocated, but once adopted would be continuously expanded, year after year; and the results have borne out that prediction.

The fact that we are today asked again to extend the 5-percent formula is evidence that there is only one way to correct the problem, and that is to defeat this proposed extension.

I congratulate the Senator from Ohio on his presentation and will join him in voting against the bill.

Mr. LAUSCHE. Mr. President, I shall vote against the measure. I think it is wrong in principle. It has destroyed the efforts of the people of the United States to develop a merchant marine. The merchant marine has grown weaker rather than stronger because of these subsidies.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that an excerpt from report of the Committee on Commerce, together with individual views on this legislation, be printed in full in the RECORD at this point.

There being no objection, the excerpt from the report (No. 1198) was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of S. 2858, as amended, is to extend for 1 year the present authority of the Secretary of Commerce to make construction-differential subsidy payments of a maximum of 55 percent on new merchant vessel construction.

LEGISLATIVE BACKGROUND

The bill was introduced on February 2, 1966. Hearings were held on March 31, 1966, with favorable testimony by James W. Gulick, Deputy Maritime Administrator, Maritime Administration, Department of Commerce. The Department of Commerce recommended that the bill be amended to extend the period for 1 year rather than for 2 years as proposed. The bill has been so amended.

GENERAL DISCUSSION

Under the Merchant Marine Act, 1936, any U.S. citizen may apply for a construction-differential subsidy from the Secretary of Commerce for the purpose of building a new merchant ship. The ship may be used in the foreign, not the domestic trade without the approval of the Secretary of Commerce. In consideration of the benefits received under the construction and operating differential subsidy programs, the owner of the vessel agrees to employ the ship only in Government-designated essential trade routes of the U.S. foreign trade for a period of 25 years, to sell the vessel only with Government approval, and to make the vessel available to the Government in case of national emergency.

The original 1936 act provided that the differential was not to exceed 50 percent of the cost of the vessel. Since 1960 the differential has increased and Congress has raised and extended the ceiling from 50 to 55 percent. The reason the 50-percent ceiling has been exceeded in recent years is that foreign

shipbuilding prices have been increasing at a slower pace than domestic shipbuilding prices. The Deputy Maritime Administrator explained this development and the increase in the average cost per ship to the Government by calling attention to five cost increase and decrease factors, as follows:

1. The overall price level of shipbuilding in American shipyards as of 1965 has declined somewhat from the 1958 level, tending to decrease the Government's share of the cost.

2. The price level of shipbuilding in foreign shipyards has declined sharply from the high 1958 level, and although the formerly low prices have increased during the past 2 years, they have not nearly reached the high 1958 levels, tending to increase the Government's share of the cost.

3. The ships involved in the program have become considerably larger, faster, have more specialized features and are mechanized, thereby increasing the Government's cost per ship.

4. The number of ships involved in each award has increased, from about 2½ ships per award in 1958 to about 4 or more during 1963, 1964, and 1965, thereby decreasing the Government's cost per ship.

5. The ships have become more standardized, although the program still does not employ "standard ships" per se, thereby decreasing the Government's cost per ship.

HISTORY OF THE CONSTRUCTION SUBSIDY LEVEL

When the replacement program was commenced in 1957 the construction-differential subsidy percentage was approximately 45 percent. The Deputy Maritime Administrator pointed out in the hearings that the subsidy rates show an increasing trend until mid-1963. Since June 1963, the rates have stabilized. The following table lists the name of the subsidized operator, the number of ships constructed under each contract, the type of ship, the bid date, and the subsidy percentage for each contract since 1957:

Operator	Number of ships	Type	Bid date	Construction-differential subsidy percentage
Moore-McCormack	4	Cargo	Oct. 8, 1957	45.2
Lykes	5	do	Oct. 23, 1957	44.5
Export	4	do	Oct. 30, 1957	45.3
American President Lines	2	do	Dec. 2, 1957	49.5
Lykes	4	do	July 2, 1958	47.6
Moore-McCormack	3	do	Oct. 27, 1958	48.5
Export	4	do	Dec. 18, 1958	48.3
Mississippi	3	do	Mar. 17, 1959	48.6
American Mail	3	do	Apr. 15, 1959	50.7
P.F.E.L.	2	do	June 25, 1959	50.7
Grace	3	P. & C.	Oct. 29, 1959	50.2
States	4	Cargo	Nov. 30, 1959	46.8
Moore-McCormack	1	do	May 2, 1960	52.4
Lykes	4	do	June 16, 1960	52.9
Farrell	6	do	June 29, 1960	48.4
United States Lines	5	do	July 13, 1960	50.2
Do	6	do	Oct. 18, 1960	46.9
Export	4	do	Nov. 1, 1960	48.0
Lykes	4	do	Nov. 4, 1960	50.8
States	2	do	Nov. 30, 1960	47.7
Lykes	4	do	Aug. 24, 1961	49.5
G.S.A.	2	do	do	48.4
Grace	1	P. & G.	Nov. 14, 1961	50.3
Moore	6	Cargo	Apr. 3, 1962	49.1
United States Lines	5	do	July 16, 1962	48.6
American Mail	2	do	Sept. 17, 1962	52.6
Lykes	4	do	Jan. 10, 1963	49.8
Grace	4	do	Mar. 21, 1963	54.0
Do	2	do	do	52.5
G.S.A.	3	do	Apr. 16, 1963	53.9
American President Lines	3	do	Apr. 25, 1963	54.5
Lykes	4	do	Aug. 15, 1963	55.0
Prudential	2	do	Jan. 31, 1964	53.4
Lykes	4	do	Apr. 3, 1964	53.9
United States Lines	5	do	Aug. 11, 1964	52.8
American President Lines	4	do	Sept. 11, 1964	54.0
Do	1	do	do	52.6
Delta	5	do	May 19, 1965	53.3
A.E.I.L.	3	do	Aug. 19, 1965	54.2

COST OF LEGISLATION

The cost of the legislation during the next year cannot be accurately estimated because payments will depend on future vessel construction costs in the United States and abroad and the number and type of vessels to be approved for construction under subsidy.

AGENCY REPORTS

(Reports of agencies and departments and the statement presented by the Department of Commerce at the hearing)

STATEMENT OF J. W. GULICK, DEPUTY MARITIME ADMINISTRATOR, MARITIME ADMINISTRATION, OF THE DEPARTMENT OF COMMERCE

Mr. Chairman, Thank you for this opportunity to appear before your subcommittee to present the views of the Maritime Administration of the Department of Commerce, and of the Department, on S. 2858.

The bill would extend to June 30, 1968, the 55-percent maximum construction-differential subsidy rate for the construction or reconstruction of ships, except for the reconstruction of certain passenger ships for which 60-percent maximum rate would be continued to that date.

We have no objection to a 1-year extension of the present percentage limits. Pending the results of the executive branch review of maritime policy, we believe a 1-year extension of the current ceiling is adequate.

A review of the construction-differential subsidy rates approved by the Maritime Subsidy Board, demonstrates that the differential between shipbuilding costs in the United States and in Japanese shipyards continues to be in excess of 50 percent of U.S. costs.

The construction-differential subsidy rates for new construction approved by the Maritime Subsidy Board from January 1957 to the present show an increasing trend until June of 1963. Since June of 1963, they appear to have stabilized. While I will not read each of these rates unless the committee desires me to do so, I thought the committee would like to have these rates for their information.

We cannot anticipate at this time that the difference between U.S. and foreign shipbuilding costs will not continue to exceed 50 percent of U.S. costs during the coming fiscal year. We, of course, hope that we will not need to use the full extent of the authority for 55-percent construction-differential subsidy during the coming fiscal year. But it is clear from these figures that the construction-differential subsidy rates have recently been consistently between 50 and 55 percent of the total cost, excluding national defense features.

We have the obligation to review, constantly, our administration of the construction-differential subsidy program and to endeavor to administer this program as economically and efficiently as possible in accordance with the governing statutes.

To the maximum extent practicable, we require applicants for construction differential subsidy to duplicate designs of ships previously approved by the Board for subsidized ship construction. Standardization reduces the cost of constructing the ships. It also reduces the subsidy rate. Because of higher labor costs in the United States, standardization is more advantageous to U.S. shipyards than it is to foreign shipyards.

We also require that ships be bid in groups. It cannot be overemphasized that subsidies decrease when the number of ships in the project increases. The difference in cost to the Government between a project involving two ships of a new design and a project involving five ships has averaged about $1 million per ship.

There has been a substantial increase in the average cost per ship to the Government since the start of the program.

	Number of ships	Total Government cost	Government cost per ship
1958	19	$107,000,000	$5,600,000
1965	9	60,000,000	6,700,000
Increase			1,100,000
Percent increase			20

This net increase in the cost to the Government is the result of a combination of cost increase or decrease factors, as follows:

1. The overall price level of shipbuilding in American shipyards as of 1965 has declined somewhat from the 1958 level, tending to decrease the Government's share of the cost.

2. The price level of shipbuilding in foreign shipyards has declined sharply from the high 1958 level, and although the formerly low prices have increased during the past 2 years, they have not nearly reached the high 1958 levels, tending to increase the Government's share of the cost.

3. The ships involved in the program have become considerably larger, faster, have more specialized features and are mechanized, thereby increasing the Government's cost per ship.

4. The number of ships involved in each award has increased (from about 2½ ships per award in 1958 to about 4 or more during 1963, 1964, and 1965), thereby decreasing the Government's cost per ship.

5. The ships have become more standardized, although the program still does not employ standard ships per se, thereby decreasing the Government's cost per ship.

It will be noted that, while the construction-differential subsidy rates went through a period of gradual increase, they appear to have stabilized between 52.5 and 55.0 percent since June 1963. Generally speaking, the reason for this stabilization is that foreign and domestic prices have advanced in recent years by approximately the same ratio. Upward pressures on both foreign and do-

mestic prices appear to be about the same in the shipbuilding industry. Thus, to assume that the subsidy rates will remain about the same would not be unreasonable.

The Bureau of the Budget advises that there is no objection to the submission of this statement from the standpoint of the administration's program.

Operator	Number of ships	Type	Bid date	Construction-differential subsidy percentage
Moore-McCormack	4	Cargo	Oct. 8, 1957	45.2
Lykes	5	do	Oct. 23, 1957	44.5
Export	4	do	Oct. 30, 1957	45.3
American President Lines	2	do	Dec. 2, 1957	49.5
Lykes	4	do	July 2, 1958	47.6
Moore-McCormack	3	do	Oct. 27, 1958	48.5
Export	4	do	Dec. 18, 1958	48.3
Mississippi	3	do	Mar. 17, 1959	48.6
American Mail	3	do	Apr. 15, 1959	50.7
P.F.E.L.	2	do	June 25, 1959	50.7
Grace	3	P. & C	Oct. 29, 1959	50.2
States	4	Cargo	Nov. 30, 1959	46.8
Moore-McCormack	1	do	May 2, 1960	52.4
Lykes	4	do	June 16, 1960	52.9
Farrell	6	do	June 29, 1960	48.4
United States Lines	5	do	July 13, 1960	50.2
Do	6	do	Oct. 18, 1960	46.9
Export	4	do	Nov. 1, 1960	48.0
Lykes	4	do	Nov. 4, 1960	50.8
States	2	do	Nov. 30, 1960	47.7
Lykes	4	do	Aug. 24, 1961	49.5
G.S.A	2	do	do	48.4
Grace	1	P. & G	Nov. 14, 1961	50.3
Moore	6	Cargo	Apr. 3, 1962	49.1
United States Lines	5	do	July 16, 1962	48.6
American Mail	2	do	Sept. 17, 1962	52.6
Lykes	4	do	Jan. 10, 1963	49.8
Grace	4	do	Mar. 21, 1963	54.0
Do	2	do	do	52.5
G.S.A	3	do	Apr. 16, 1963	53.9
American President Lines	3	do	Apr. 25, 1963	54.5
Lykes	4	do	Aug. 15, 1963	55.0
Prudential	2	do	Jan. 31, 1964	53.4
Lykes	4	do	Apr. 3, 1964	53.9
United States Lines	5	do	Aug. 11, 1964	52.8
American President Lines	4	do	Sept. 11, 1964	54.0
Do	1	do	do	52.6
Delta	5	do	May 19, 1965	53.3
A.E.I.L.	3	do	Aug. 19, 1965	54.2

FEDERAL MARITIME COMMISSION,
February 8, 1966.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of February 3, 1966, for the views of the Federal Maritime Commission with respect to S. 2858, a bill to amend section 502 of the Merchant Marine Act, 1936 relating to construction-differential subsidies.

Inasmuch as the bill does not affect the responsibilities or jurisdiction of the Commission we express no views as to its enactment.

The Bureau of the Budget has advised that there would be no objection to the submission of this letter from the standpoint of the administration's program.

Sincerely yours,

JOHN S. PATTERSON,
Vice Chairman.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., Februray 14, 1966.

B-124074.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: Your letter of February 3, 1966, invites our comments on S. 2858, a bill to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies. The bill would postpone from June 30, 1966, to June 30, 1968, the reduction of the present maximum 55-percent subsidy rate to 50 percent.

We have no special information or knowledge that would assist in the consideration of S. 2858, and therefore have no comments to offer.

Sincerely yours,

FRANK H. WEITZEL,
Acting Comptroller General.

DEPARTMENT OF JUSTICE,
Washington, D.C., May 3, 1966.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 2858, a bill to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies.

This bill has been examined, but since its subject matter does not directly affect the activities of the Department of Justice we would prefer not to offer any comment concerning it.

Sincerely,

RAMSEY CLARK,
Deputy Attorney General.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

"SECTION 502(b) MERCHANT MARINE ACT, 1936

"(46 U.S.C. 1152(b))

* * * * *

"(b) The amount of the reduction in selling price which is herein termed "construction differential subsidy" may equal, but not exceed, the excess of the bid of the shipbuilder constructing the proposed vessel (excluding the cost of any features incorporated in the vessel for national defense uses, which shall be paid by the Secretary in addition to the subsidy), over the fair and reasonable estimate of cost, as determined by the Secretary, of the construction of the proposed vessel if it were constructed under similar plans and specifications (excluding national defense features as above provided) in a foreign shipbuilding center which is deemed by the Secretary to furnish a fair and representative example for the determination of the estimated foreign cost of construction of vessels of the type proposed to be constructed. The construction differential approved and paid by the Secretary shall not exceed 55 per centum of the construction cost of the vessel, except that in the case of reconstruction or reconditioning of a passenger vessel having the tonnage, speed, passenger accommodations and other characteristics set forth in section 503 of this Act, the construction differential approved and paid shall not exceed 60 per centum of the reconstruction or reconditioning cost (excluding the cost of national features as above provided): *Provided, however,* That after [June 30, 1966,] *June 30, 1967,* the construction differential approved by the Secretary shall not exceed in the case of the construction, reconstruction or reconditioning of any vessel, 50 per centum of such cost. When the Secretary finds that the construction differential in any case exceeds the foregoing applicable percentage of such cost, the Secretary may negotiate and contract on behalf of the applicant to construct, reconstruct, or recondition such vessel in a domestic shipyard at a cost which will reduce the construction differential to such applicable percentage or less. In the event that the Secretary has reason to believe that the bidding in any instance is collusive, he shall report all of the evidence on which he acted (1) to the Attorney General of the United States, and (2) to the President of the Senate and to the Speaker of the House of Representatives if the Congress shall be in session or if the Congress shall not be in session, then to the Secretary of the Senate and Clerk of the House, respectively."

INDIVIDUAL VIEWS OF MR. LAUSCHE

We are again confronted with an administration request to extend the annual $100 million shipbuilding subsidy for another year which renews the limit of 55 percent for the construction of new merchant ships and a 60-percent limit for the reconversion of certain passenger vessels. This subsidy represents the difference between the world market price and the price of constructing the same ship in American shipyards.

The current subsidy program of cost parity was provided by the Merchant Marine Act of 1936 in order to maintain an efficient, sound, and competitive merchant marine. However, since that time, this program for competitive survival has cost the U.S. taxpayer over $740 million for just the construction and reconstruction subsidies.

I would like to submit for the careful consideration of my colleagues the following figures showing the yearly amounts which have been paid to the merchant marine industry under the construction and reconstruction differential subsidy programs:

	Construction-differential subsidies	Reconstruction-differential subsidies
From inception to June 30, 1953	$131, 571, 571	
Fiscal year 1954	5, 538, 417	
Fiscal year 1955	5, 358, 663	$342, 058
Fiscal year 1956	1, 613, 737	14, 368, 668
Fiscal year 1957	16, 379, 075	1, 117, 694
Fiscal year 1958	22, 637, 540	4, 731, 608
Fiscal year 1959	21, 761, 846	7, 065, 416
Fiscal year 1960	69, 156, 794	4, 828, 227
Fiscal year 1961	102, 118, 519	657, 379
Fiscal year 1962	136, 858, 263	3, 906, 765
Fiscal year 1963	97, 715, 325	3, 550, 308
Fiscal year 1964	79, 987, 066	2, 349, 230
Fiscal year 1965	87, 377, 684	334, 533
Total	777, 992, 202	49, 777, 871

However, despite these heavy subsidy payments from the U.S. Treasury, this country has been lagging behind in world trade for many years—even though we are the world's largest trading Nation. Fifteen percent of the world's exports and imports are supplied by this country; 99 percent of which go by ship. Ten years ago, U.S. ships carried more than 40 percent of this trade, but today we rely upon other maritime nations to carry over 90 percent of it.

Even with a continued increase in Federal expenditures, our merchant marine industry continues to decline. In this connection, the most significant index to show the competitive position of the United States, and whether our position has grown better or worse, can best be illustrated by the ship construction differential rates established by the Maritime Subsidy Board on cargo ships during the past several years. This chart will illustrate the disparity which exists between the foreign and U.S. shipbuilding costs and that it is continually widening.

The following table indicates calendar years during which subsidized ship construction contracts were awarded and the average subsidy rate applied to all ship construction contracts awarded during that corresponding year:

Average CDS for ships awarded in that year

	Percent
1951	41.47
1952–56	(1)
1957	46.1
1958	48.1
1959	49.1
1960	49.7
1961	49.4
1962	50.1
1963	53.3
1964	53.5
1965	53.3

[1] No subsidized cargo ship construction.

Our shipbuilding prices are continuing to rise at a faster rate than foreign prices so that the price differentials will shortly exceed the present proposed limits.

The Maritime Administration has pointed out that "* * * it cost the American shipyard more for the parts alone than it costs the foreign shipyards to deliver a finished ship."

However, material alone is not responsible for this situation. The continued rise in labor costs and the increasing disparity between the United States and foreign hourly wages should concern all of us. For example, the typical hourly pay for a first-class shipyard mechanic in the United States is approximately $2.95 as compared to $1.43 in Sweden; 95 cents in England; 47 cents in Italy; and 40 cents in Japan.

I am opposed to the further extension of this 55- and 60-percent authority because it is my firm conviction that it provides an extra incentive to interested parties to press for the highest differential percentages obtainable.

I believe the Federal Government should establish a limit in which it will participate to retain a strong and economic merchant marine. This limit should not exceed the 50-percent ceiling as established in the original Merchant Marine Act of 1936 and serious efforts should be made to reduce the subsidies further.

Shipping costs—and especially shipbuilding costs—in the United States have risen to where they are positive threats to the future of U.S. shipping.

It is my conviction that if the basic 50-percent construction subsidy is not enough for commercial shipbuilding, we should seriously reevaluate whether the taxpayers can afford or need such a shipyard subsidy program.

FRANK J. LAUSCHE.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

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

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

JOSEPH F. McCAFFREY ON THE NURSING SHORTAGE

Mr. MANSFIELD. Mr. President, during the past several weeks nationally-known Washington news commentator Joseph F. McCaffrey broadcast a series of editorials on the nursing shortage in the Nation's Capital. As always, Joe McCaffrey delivered a hard-hitting, well composed analysis of the situation. The thing which impressed me the most was that this problem is not isolated to this area on the east coast. The nurses' shortage is something of concern to us in Montana, every State in the Union, and every city, large and small.

The implementation of the new medicare program has highlighted the shortage which will become more severe in the near future. The nursing profession is an admirable one, full of challenge and personal accomplishment. I feel that we here in the Congress should do everything we can to interest our young people in this profession; it is hard work, but rewarding. Also where possible the Federal Government has a responsibility to assist in the expansion and upgrading of our schools for nurses' training.

The McCaffrey series reflects the thoughts and concern of hospital and medical people. Joe has done an exceedingly fine job of summarizing the situation and offers several constructive remedies. I believe that this series as broadcast over station WMAL would be of great interest to all who may not have heard them during the broadcasts. Therefore, Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the text of these commentaries which began on May 26 and ended on June 8.

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

COMMENTARY OF JOSEPH F. McCAFFREY ON WMAL–TV, WASHINGTON, D.C., MAY 26, 1966

One of the major problems facing this immediate area, and the nation as a whole, has been building over the years. Today it has reached frightening proportions, but as bad as it is, it will get worse within the next 60 days. It will be so bad as to be unbelievable.

I am talking about the shortage of nurses.

As of the beginning of this year, the shortage was 100,000. But when Medicare goes into effect with its sharply stepped-up demands, that shortage jumps another 25,000 immediately to 125,000; within a year that figure will be even higher.

In February the three million dollar John F. Kennedy Hospital opened in Atlantis, Florida, to help ease over-crowded hospital facilities in the Palm Beach area. But to staff the 150 bed facility hospital officials were forced to close nearby Lake Worth General, citing the severe shortage of nursing personnel as the primary factor.

The nursing shortage is so severe that administrators have turned to raiding other countries. In the Washington Metropolitan area the shortage is serious.

The twenty-four hospitals affiliated with the Hospital Council here have a shortage of 380 nurses—which will increase sharply after July 1st. Twenty of these hospitals are contemplating expansions and new additions will require additional staffing, but they are unable to properly staff their present facilities; how can they hope to staff a larger hospital? Yet, there are sick people who have to be admitted to hospitals, so the facilities have to be built, even though it is admitted they will not be staffed adequately.

The situation is so bad here in Washington that the great potential of Medicare is of no value to the people of this area because it is doubtful if the required facilities and care can be supplied.

Tomorrow night I will continue to explore this shame of our affluent society.

COMMENTARY OF JOSEPH F. McCAFFREY ON WMAL–TV, WASHINGTON, D.C., MAY 27, 1966

The current nursing shortage will become more acute, not only because of the coming of Medicare, but because of many other pressures—such as the new heart, stroke and cancer centers, the step-up in hospital construction and a growing population of affluent Americans demanding better medical care throughout the nation.

But the sad part of this story is that the nursing profession has not been keeping abreast of fast changing health care needs. Students have not been enrolling in nursing programs in sufficient numbers to meet the growing demands, and health officials, all those we talked to in preparing this series, say the problem will become worse, much, much worse, before it gets better.

Actually, the nursing shortage right now is even worse than the figures which are used to prove how bad it is. House Commerce Committee staff economist Norman Holley says the figures don't really show the significance of the shortage because we are not counting the nurses needed to treat better the existing diseases and we are not even considering the need for nurses in the area of preventive medicine. Some point the finger at Congress, saying that Congress has been willing, even eager, to create new medical programs but has not provided for the training of those needed to implement these additional health services.

In the Washington area, there are eight nurses' training programs. Three of these are degree programs and five diploma programs. William M. Bucher (Booker), executive director of the Hospital Council, says the need here justifies four additional training schools. *But* there is little prospect of getting them. The District, for example, is not willing to pay for nursing training from its tax base. The cost of these training programs then is absorbed by the patients, and until the community recognizes its responsibility the patient will have to continue to foot these costs. But even so, when nurses receive their training through a college program or a hospital school, there is no guarantee they will stay to work in the area. More often, it seems, they don't. Today there are 956 students enrolled in this area. We're lucky if 600 stay in the area upon graduation.

On Monday night I'll have another look at the nursing shortage.

COMMENTARY OF JOSEPH F. McCAFFREY ON WMAL–TV, WASHINGTON, D.C., MAY 30, 1966

There are more than a million nurses in the nation, but only 631,000 of these are now practicing.

Four years ago the Surgeon General's Consultant Group on Nursing reported that there should be a minimum of 850,000 professional nurses by 1970. But this was before Medicare legislation was approved and before Congress authorized the establishment of heart, cancer and stroke centers, so the 850,000 figure is, actually, very low.

But even that goal is unobtainable. When it issued its report four years ago the Consultant Group said it is not feasible to reach this number in view of potential students and potential school capacities. Here in the District, the Hospital Council is taking several approaches in an effort to get more nurses into the hospitals. It plans to spend about $3,000 to advertise for nurses in the Journal of Nursing. It also is setting up a training program under the Manpower Training Act to bring older nurses back into their profession. The goal, or at least the hope, is to pull 500 nurses from the home environment back to work on a part-time basis. Hospitals can use part-time nurses, but they can't maintain the same quality of service with them.

But full-time or part-time, there is still the question of how good nursing care is today. This question is prompted by the fact that 80 percent of the nurses now practicing graduated before 1950, and the world has changed a great deal since then, especially the world of medicine. Thus, there is a need, an urgent need to update the older nurse so she can practice effectively—and herein lies the conflict today within the nursing profession itself. I'll talk about that tomorrow night in this continuing series on the nursing shortage.

COMMENTARY OF JOSEPH F. MCCAFFREY ON WMAL-TV, WASHINGTON, D.C., JUNE 1, 1966

There is a conflict going on within the nursing profession over just how professional nurses should be. In fact, the nurses will fight this out at their big convention next month in San Francisco.

The American Nurses Association has issued a position paper stating that all professional nurses should have a baccalaureate degree. Those without such a degree would be termed "technical nurses." The association feels that scientific advances are forcing nurses up in the field of medicine. They are now performing many duties heretofore done only by doctors. And as the nurse moves into a higher level of practice, the supplemental nursing staff, the licensed practical nurses—practical nurses, aides, and orderlies—are taking over more and more of the actual bedside care of patients.

With the proper educational background, nurses are on their way to becoming clinical specialists. At Presbyterian-University of Pennsylvania in Philadelphia nurses operate the experimental intensive coronary care unit. Dr. Lawrence Meltzer and Dr. Roderick Kitchell are improving the treatment of those who have suffered heart attacks. Nurses monitor the machine which indicates any abnormalities of the heart, looking for what, in layman's language, is a short circuit in the heart, causing the heart to quiver. It is this post-attack short circuit which causes most of the deaths. There are 30 different kinds of such short circuits. The nurses at Presbyterian are trained to spot the kind, and to treat it accordingly. In seven months the hospital has not lost a heart patient because of these short circuits. This intensive care may be the new wave of the future, but it will also increase the demand for more and much better trained nurses.

COMMENTARY OF JOSEPH F. MCCAFFREY ON WMAL-TV, WASHINGTON, D.C., JUNE 2, 1966

In discussing the nursing shortage, as we have been doing here for the last week, some attention must be given to the most important contributing factor: money, or rather the lack thereof.

Low pay has discouraged more girls from becoming nurses than any other one consideration. A U.S. Public Health official says that everybody gets paid but the nurse. However, hospital officials maintain that nursing salaries are comparable to salaries of women in other professions. But is this true?

A doctor at Washington Hospital Center tells about a nurse with five years' experience. "One of the best I have ever worked with," says the doctor, "who earns about $5,400 a year. Her roommate who has been working only two years earns $8,000 a year as a receptionist."

Here in the Washington area many girls—too many perhaps—choose government service, rather than a nursing career. They do this because even taking a clerical job they will earn more during the first three years than if they had entered nursing training, and even in the fourth year their government pay will top the graduate nurse's pay.

The government must share the blame with the hospitals for the low nursing pay. For example: a nurse with a master's degree begins a government nursing career at a grade five, or $5,230 a year. Yet most other professions with the same educational qualifications begin government service at a grade seven level or a starting salary of $6,322.

The Hospital Council here recommended pay increases for area nurses effective last January from $375 to $400 a month, with a second raise to $425 due in September. This amounts to an annual salary of $5,100. In this day and age, $5,100 a year is poor pay for a professional.

I'll continue this nursing shortage series on Monday.

COMMENTARY OF JOSEPH F. MCCAFFREY ON WMAL-TV, WASHINGTON, D.C., JUNE 6, 1966

There are many recommendations that could be suggested to ease the current nursing shortage, a shortage which will get worse—and within the next ten weeks.

But the one which must be listed number one is salary.

During the course of this series I have had calls and letters from many nurses, telling me how little they earn. I had a call from a business administration professor whose two daughters had considered entering nursing but decided against it because of the low pay scale. He said, "Any business major I have graduating this June can get a job at $8,000 a year, and a nurse is lucky if she get a hundred a week.

This would be bad enough pay for a straight Monday-through-Friday eight-hour day. But illness is not confined to a nine-to-five working day, and neither is a nurse's working hours. Hospitals must be staffed round the clock and nurses must fill the 24 hours. They rotate shifts and in some cases work split shifts. For young women this disrupts their social lives, and for married women this proves difficult in raising children and running their homes.

The Surgeon General, Dr. William Stewart, says health officials have recognized the shortage problem for the last ten years and have tried to do something about it—but are still running behind. He said nurses are beginning to have a voice by unionizing to demand better pay and working conditions. "But it goes back to one thing," says the Surgeon General, "if communities want good health services they must be willing to support their nurses through taxes."

Tomorrow night some further recommendations aimed at stemming the nursing shortage.

COMMENTARY OF JOSEPH F. MCCAFFREY ON WMAL-TV, WASHINGTON, D.C., JUNE 7, 1966

These suggestions could be made as steps which could help ease the ever-worsening nursing shortage: more men should be recruited to professional nursing. Today male nurses make up only nine-tenths of one percent of the overall total. Male nurses are invaluable in caring for old patients in nursing homes, and with Medicare, nursing homes—already at 90 to 95 percent of capacity—will be filled to the attic.

This June the military will probably draw off a great percentage of the nurses graduated by hospitals and colleges. It might be that the time is here when the military should consider seriously training all or part of its nursing supply. The same might be said of the Veterans Administration which is a competitor for the available nurses.

In the Washington area there should be four more schools of nursing. One should be established at George Washington University which has a hospital and a medical school and officials there want a nursing program, but they must have help. Help which community leaders in the Greater Washington area could easily encourage and with such encouragement it should be possible to have a nursing school at George Washington within the next few years.

To help in recruitment, the image of the modern nurse must be changed. This should should be easy to do, because actually the modern nurse has changed. Her profession is more challenging, more interesting and as medicine strides forward, the role of the nurse will grow accordingly.

Bringing home to the American people the true image of the nurse and the nursing profession today will not only help recruitment, it will also help fight the basic cause of the current shortage: low pay. Once the citizens realize the importance and value of the modern nurse they will then, it is hoped, be willing to pay for nursing care.

First, the public must be willing to pay, through taxes, for the establishment of tuition-free courses in community and junior colleges.

The State of Kentucky has already initiated a nursing program in junior colleges which is being watched by other areas, and some states have already started planning similar programs.

Once the public is willing to back such courses from tax revenue, then it should, through voluntary contributions and fees, permit higher wages so that we can hold in the field those who are attracted to the profession.

Tomorrow night I would like to suggest the most important step that could be taken immediately to combat the nursing shortage.

COMMENTARY OF JOSEPH F. MCCAFFREY ON WMAL-TV, WASHINGTON, D.C., JUNE 8, 1966

Traditionally hospital schools have been training nurses. These nurses earn a diploma under a three-year program which has been more or less an apprenticeship. Today these nurses make up about 84 percent of the nursing profession.

Today, the trend is to get out of the hospital setting and into the colleges. But with the move to the academic setting, there is a greater loss of nursing students to the other related and more lucrative fields; but even so, recruitment for the degree nursing program is no problem.

The nursing profession needs the brightest young minds coming out of high schools today. There are not enough receiving baccalaureate and advance degrees to fill the teaching and administrative nursing posts. And there simply aren't enough nurses with Ph.D.'s to do nursing research. Out of a

million nurses in the country, 360 have doctorates. The need then is not only to increase in quantity, but to increase in quality. So now there is a controversy over whether, when countering the nursing shortage, we should merely get "bodies to the bedside" or, because of advancements in nursing technology, we should demand quality among those caring for the ill.

It could be that we should divide the nursing field into perhaps *basic* nursing and *professional* nursing. Today we could use as many nurses with degrees as we could possibly get with the best recruiting program, and we could use as many "bodies at the bedside" as we could obtain.

Therefore the recruiting drive might be two-pronged. At one level, perhaps, we should encourage high school seniors to enter the practical nursing field, working out a combination academic schedule at the high school along with an apprentice schedule at a nearby hospital. At the end of the senior year, with perhaps an additional six months' full hospital duty, the student who completes successfully all requirements would be given a practical nursing certificate. On the other hand, nursing programs should be stepped up in colleges and universities, with community and junior colleges being brought into nursing by offering nursing courses tuition-free, those courses paid for from the state or local community treasuries.

Thus, there would be two categories of nurses, each fulfilling a definite need, each complementing and supplementing the other: the practical bedside nurse and the advanced, degree nurse. These then, are some of the observations a layman would make after worrying over the nursing shortage.

In conclusion I would like to make one observation.

I have presented eight programs on the nursing shortage, one of the most pressing problems facing our society today.

I have had communications from about seventy-five people since the series started. Of these only two were outside the medical or hospital field. I feel as if I have been talking to only those personally involved—no one else cares.

I now know, I think what hospital people meant when they told me at the beginning of our investigation into the nursing shortage, that "no one cares—."

People just don't care about the nursing shortage.

But they will. Because within a year the nursing shortage, already bad, will become much more acute.

Then, people will become concerned. But in the meantime we have lost a whole year—a year in which we could be doing something.

Take care. Good night.

TRIBUTE TO FORMER REPRESENTATIVE JOHN ROBERT MURDOCK—RESOLUTION OF THE SENATE OF ARIZONA

Mr. HAYDEN. Mr. President, I invite the attention of Senators to a concurrent resolution of the Arizona Senate honoring Hon. John Robert Murdock, who served our State in the U.S. House of Representatives from 1937 to 1953. A distinguished educator, historian, and public servant, Mr. Murdock is a longtime friend, and it is my pleasure to announce this recognition which he has so justly earned.

I ask unanimous consent that the resolution be printed in the body of the RECORD.

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

SENATE CONCURRENT RESOLUTION NO. 8

Whereas the Honorable John Robert Murdock has rendered a lifetime of distinguished service to the State of Arizona, the Legislature takes this opportunity of recounting a few of Mr. Murdock's accomplishments and thus honoring one of its most eminent citizens; and

Whereas John Robert Murdock was born and raised in Missouri and it was there that he received his degree from the Kirksville Teachers College in 1912. In 1914, John Murdock accepted a position as a Social Studies Professor at Arizona State Teachers College at Tempe. His affiliations with this institution continued until 1937 when he represented the State of Arizona in the United States House of Representatives; and

Whereas John Robert Murdock's first great interest was Arizona and he became an authority on Arizona history and government. In 1925, he published "The Constitutional Development of Arizona" and in 1929 Mr. Murdock wrote the text entitled "The Constitution of Arizona" and this publication was used by Arizona school students for over twenty years. In addition, the Honorable John Murdock wrote four more books on Arizona history and its Constitution; and

Whereas the first Dean of the College at our Arizona State University was John Murdock in 1934 and he was chosen by President Grady Gammage; and

Whereas John Robert Murdock was elected by the Citizens of Arizona to serve as their Representative in the United States House of Representatives and he did so serve in an able, competent and outstanding manner for sixteen years thereby bringing credit to the State of Arizona; and

Whereas his Congressional service extended from 1937 to 1953 and during that time the Honorable John Robert Murdock chose to serve on Committees dealing with the West and, therefore, served as Chairman of the Committee on Irrigation and Reclamation, Public Lands Committee and as Chairman of the Committee on Interior and Insular Affairs. Moreover, Mr. Murdock served as Chairman of several subcommittees, including those of Indian Affairs and Mines and Mining. John Murdock played a prominent role in many projects which served to successfully develop the Western part of the United States; and

Whereas the accomplishments of the Honorable John Robert Murdock are actually too numerous to recount except that it should be noted that his has been a life of dedication and service to the needs of his neighbors, the requirements of his adopted State and paramount to all of this he has given a lifetime of service to his Nation; and

Whereas in view of the service and outstanding accomplishments, which included numerous writings which gave a generation of young Arizonans a better understanding of State Government and for his achievements in Congress, Arizona State University awarded John R. Murdock the Honorary Degree, Doctor of Laws, in 1962: Therefore be it

Resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. That the Legislature, being cognizant of the achievements and accomplishments of the Honorable John Robert Murdock, do hereby acknowledge the debt of all Arizonans to this dedicated person who during his lifetime has given so much to his Community, State and Nation.

2. The Honorable Wesley Bolin, Secretary of State of Arizona, is directed to transmit a copy of this Concurrent Resolution to the Honorable John Robert Murdock.

Unanimously adopted by the senate, February 24, 1966.

CLARENCE L. CARPENTER,
President of Senate.
LOUISE C. BRIMHALL,
Secretary of Senate.

Unanimously adopted by the House of Representatives, March 7, 1966.

ANDREW J. GILBERT,
Speaker of House.
RUBY H. SANDERS,
Chief Clerk of House.

Executive Department of Arizona, Office of Governor.

Approved this 17th day of March, 1966.

SAMUEL GODDARD,
Governor of Arizona.

Executive Department of Arizona, Office of Secretary of State.

Received by the Secretary of State this 17th day of March, 1966.

WESLEY BOLIN,
Secretary of State.

SUPPORT FOR EXTENSION OF SCREW-WORM ERADICATION IN MEXICO—H.R. 14888

Mr. TOWER. Mr. President, I wish to express my support today for H.R. 14888, the Senate version of which I am a cosponsor. The purpose of this act is to authorize the Secretary of Agriculture to cooperate with the Mexican Government in screw-worm eradication in Mexico. Currently the United States is conducting such a program along the nearly 2,000 mile border with the Mexican Republic. It is the hope of this legislation that, with Mexican cooperation, this line of defense may be shortened considerably and the cost of the program decreased while its efficiency is increased.

Under the terms of the act, the Secretary of Agriculture, would be empowered to reach an agreement with the Mexican Government similar to the existing one pertaining to U.S. cooperation with Mexico in the control of foot-and-mouth disease and rinderpest. This program has greatly aided in the prevention of these destructive diseases.

Mr. President, I wish to urge the Members of the Senate to give this bill a speedy and overwhelming approval, so that the Secretary of Agriculture may begin consultations with the Government of Mexico. The benefits which would accrue to the United States and to Mexico with the eradication of the screw-worms are certainly great; and eradication is certainly a necessity.

SENATOR MONTOYA SUPPORTS EXTENDED, EXPANDED SCHOOL MILK PROGRAM

Mr. PROXMIRE. Mr. President, Senator MONTOYA, one of the cosponsors of my legislation to make the school milk program permanent and increase Federal funding for the program, recently submitted an excellent statement in support of the bill to the Holland subcommittee of the Senate Agriculture Committee.

The junior Senator from New Mexico concisely discussed the adverse impact that the administration's proposal to limit the program to the needy would

have on the children involved, in these words:

It would be extremely repugnant and embarrassing for a small child to submit proof that his family was too poor to pay for his school milk. School administrators would be confronted with the problem of snooping into each family's financial status. Congress has made great strides recently in getting rid of discrimination. Let's not be a party to creating it. As it properly should, this bill will provide milk for all children regardless of economic background.

Mr. President, I ask unanimous consent to have the statement in its entirety inserted in the CONGRESSIONAL RECORD at this point:

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

STATEMENT OF HON. JOSEPH M. MONTOYA, A U.S. SENATOR FROM THE STATE OF NEW MEXICO

Mr. Chairman, and members of the subcommittee, I wish to thank you for providing me with this opportunity to appear here before you in support of S. 2921, a bill to provide a special milk program for children.

This legislation is badly needed to replace the present act which expires July 1, 1967, and to place the school milk program on a permanent basis. The slight increase in funds for the program over the next few years, as called for in the bill, would just barely take care of the increased number of school children. The American people consider it one of the finest programs in operations to better develop and strengthen the potential of our youth.

Last year the milk program reached some 16 million youths who consumed over three billion half pints of milk. In New Mexico over 115,000 school children participated. Most of these children come from low-income families and as a result have improper diets and, therefore, in many instances the milk they receive at school is all they get during the day.

The school milk program, however, should continue to be made available for all children and not restricted to those who are not considered able to pay. It would be extremely repugnant and embarrassing for a small child to submit proof that his family was too poor to pay for his school milk. School administrators would be confronted with the problem of snooping into each family's financial status. Congress has made great strides recently in getting rid of discrimination, let's not be a party to creating it. As it properly should, this bill will provide milk for all children regardless of economic background.

Mr. Chairman, I feel very strongly that the amount requested in this bill is essential to the future success of the school milk program and should be approved by this subcommittee. I appreciate the opportunity to present this statement and request that it be made a part of the hearing record.

Thank you.

INSPECTOR GENERAL'S OFFICE OF FOREIGN ASSISTANCE

Mr. McCLELLAN. Mr. President, recently there have been several articles in newspapers and national magazines concerning the work of the Inspector General's Office of Foreign Assistance.

This agency, the smallest in Government, with a staff of only 39 employees, has saved the Federal Government hundreds of millions of dollars by uncovering mismanagement, waste, and corruption in our foreign assistance program.

All of Congress, and indeed the country, can and should be proud of these men for their dedication and untiring efforts.

I am especially proud to associate myself with and direct my remarks to the Deputy Inspector General, Mr. Howard Haugerud.

I have known Mr. Haugerud throughout his career in Government service, and I am not at all surprised that he has received this recognition for his talents and abilities. His conscientiousness and imagination have displayed themselves once again and the taxpayers of this country have received the benefits.

Mr. President, I ask unanimous consent to have inserted into the RECORD, following my remarks, two articles, one which appeared in the Washington Star and one which appeared in the New York Times.

These articles give specific examples of the value of work being done by Mr. Haugerud and his associates.

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

[From the Washington Star, June 12, 1966]

THE FEDERAL SPOTLIGHT—SMALLEST AGENCY SAVES MILLIONS IN FOREIGN AID INVESTIGATIONS

(By Joseph Young)

The smallest agency in government, with a staff of only 39 employees, is saving the American taxpayer hundreds of millions of dollars.

It's the Inspector General's Office of Foreign Assistance, an independent unit of the State Department which is dedicated to uncovering mismanagement, waste and corruption in the handling of U.S. foreign assistance programs.

Everyone has heard of the sleuthing activities of the FBI, Secret Service and the postal investigative division. Likewise, the cloak-and-dagger exploits of the Central Intelligence Agency have been widely publicized.

But very little is known of the unpublicized sleuthing of the Office of Foreign Assistance, commonly known as IGA.

Set up 2 years ago by Congress, IGA has been credited by Secretary of State Dean Rusk with having saved the American public "many millions of dollars."

Congress is well pleased with the agency headed by J. Kenneth Mansfield, inspector general of foreign assistance and Howard Haugerud, deputy inspector general.

Among its staff of 39 are 25 inspectors who travel ceaselessly around the world to uncover misuse of our foreign aid funds.

Also, IGA recently has successfully prodded military and civilian officials in Vietnam to crack down on abuses—including black marketing in post exchange supplies, currency manipulation, profiteering by Vietnamese merchants and theft or other diversion of U.S. goods shipped to Vietnam.

Mansfield and Haugerud have high words of praise for their staff of 39 employees.

"We have the most professional and competent staff in government," says Mansfield. Haugerud adds, "The credit for our work must go to them."

WIDE RANGE

Under Mansfield's and Haugerud's leadership, the IGA has conducted many investigations of foreign aid ranging from sloppy bookkeeping to the disappearance of 24 million bushels of wheat.

IGA investigations in 85 countries have resulted in such developments as:

Cancellation of a $40 million loan for a dam project in Nationalist China. IGA investigators found such a loan was not feasible.

Discovered for NATO a forgotten submarine communications cable under the Mediterranean.

Arranged for 5 million U.S.-owned German marks—which were lying idle in Libya—to be put into interest-bearing bank accounts.

Made an analysis of counterinsurgency food shipments to Viet Nam which resulted in elimination of almost $5 million of unnecessary commodities.

Recovered $800,000 worth of Food-for-Peace wheat shipments which had been diverted from its intended destination of Austria.

Discovered that containers of food going to Turkey were marked in several languages, including Greek, but not in Turkish. Now, the markings are in the language of the people getting the food.

Initiated greater control to prevent explosives and other military material from getting in the hands of the Viet Cong.

Questioned plans by the Defense Department and the Agency for International Development to build a telecommunications system in Korea, which resulted in elimination of a project estimated to cost $7 million.

Another result of IGA's work has been to prod U.S. officials to use the huge stocks of foreign currencies built up, but usually left idle, under Food-for-Peace programs. This has resulted in savings of new appropriations which otherwise would have been required.

To make sure that IGA does an outstanding job, Mansfield and Haugerud each travel hundreds of thousands of miles each year to keep tabs on the agency's investigative operations.

They take pride in the fact that IGA not only has saved American taxpayers many millions of dollars but, equally important, has helped more of our foreign aid to accomplish the purpose for which it was intended.

[From the New York Times, May 29, 1966]

TWO SHERLOCKS ON FOREIGN AID

(By Felix Belair, Jr.)

WASHINGTON, May 28.—When one of the latest known operations of the State Department becomes front page news, the most likely reason is a colossal blunder or a splendid success.

In the case of its Office of Inspector General of Foreign Assistance, success is hardly the word. J. Kenneth Mansfield and Howard E. Haugerud, the Inspector General and Deputy Inspector General, had been credited by no less an authority than the Secretary of State with saving the Federal Government "many millions of dollars" as watchdogs of the multibillion dollar program.

In a well documented report requested by Chairman J. W. Fulbright of the Senate Foreign Relations Committee, the Secretary seemed almost to be apologizing for the State Department's vigorous opposition when creation of the office was first proposed five years ago.

The report cited instances of savings to the Federal Government in more than 50 of the 85 countries visited by the office on routine inspections.

Mr. Mansfield's reaction to all the sudden publicity on his hitherto secret world-wide policing of foreign assistance programs was typical.

"I guess it had to come," he said a little ruefully. "But I thought we were doing all right by staying out of the limelight. Whatever success we've had in carrying out the intent of Congress had been due in large part to the cooperation we've had from the operating agencies."

Mr. Haugerud took a similar view: "One thing's for sure—we've lost our anonymity. But then, I guess it doesn't hurt if everybody—especially in Congress—finds out what kind of work we've been doing. All this

publicity is bound to increase our work load sifting through stacks of letters for a legitimate lead. But Congress has been good about our appropriation, so we'll make out."

Messrs. Mansfield and Haugerud make an ideal team. At 44 and with close-clipped graying hair and twinkling blue-gray eyes, "Ken" Mansfield might be the head counselor of an expensive boys' camp. He has a ready smile that puts a visitor completely at ease and that more than one miscreant has found momentarily disarming.

Howard Haugerud shares with Mr. Mansfield a Midwest background. He came to Washington from Minnesota to work for Senator HUMPHREY and became the professional staff member of the Senate Subcommittee on National Defense Policy when Mr. Mansfield was chief of staff of that group. He will be 42 in August.

Mr. Haugerud is not an impatient man but if a polite memo to some aid division chief brings no action in a reasonable time he might get him on the telephone and say "If you don't cancel that shipment I wrote you about last week, I'll do it for you."

He could, too. Either member of the team has direct authority from Congress to suspend all or any part of any project or operation with respect to which he has conducted or is conducting an inspection, audit or review, provided he has first given notice to the Secretary of State." The authority applies to the foreign aid program, the Peace Corps' activities, and Food for Peace.

Both men were given the rank of Assistant Secretary of State and the same salary of $27,000. In this the House Foreign Affairs Committee showed unusual foresight. One or the other is usually out of the country and the other takes over. When the Secretary's report went to the Capitol, Mr. Haugerud had just returned from Greece and Mr. Mansfield was in Saigon.

Both men know the ins and outs of commercial skullduggery like the back of their hands. And in running down all kinds of leads each logs about 165,000 air miles annually. They are supported by a staff of 20 "bookkeeper detectives" recruited from alumnae of the F.B.I., the General Accounting Office and the legal profession.

Since Mr. Mansfield began organizing the staff on his appointment in May 1962 the staff has flown more than 3.5-million miles—always in tourist class. With a travel schedule of such magnitude there have to be risks. But only two inspectors have been lost. They were flying in a Nepalese plane that crashed in the Himalayas during a sudden storm.

TRIBUTE TO DAN C. BURROWS

Mr. MANSFIELD. Mr. President, in behalf of the Senator from New Mexico [Mr. MONTOYA], I ask unanimous consent to have printed in the RECORD a statement by him and a biographical sketch that was printed in the Albuquerque Tribune on the retirement of Dan C. Burrows, editor of the Albuquerque Tribune.

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

STATEMENT BY SENATOR MONTOYA

On June 1, an old friend of mine, Dan C. Burrows, retired as editor of the Albuquerque Tribune.

Like thousands of other New Mexicans who knew and admired him as a friend, and who respected the newspaper which he so ably led, I am sorry to see him go. Throughout his many years of service to the people of New Mexico, he and his newspaper have been influential voices in support of an untold number of worthy causes.

No man knew the problems and the needs of New Mexico, and particularly of Albuquerque, any better than Dan Burrows. The Tribune is fortunate that his experience and sagacity will still be available as he continues to serve as a consultant to the new editorial directors of the newspaper.

Equally fortunate is the choice of Mr. Burrows' successor, Mr. George Carmack, a southwesterner who has been a Scripps-Howard Newspaper Alliance editor for nearly 30 years. Most recently, Mr. Carmack has been in Washington covering the Pentagon, one of the most demanding assignments any newspaperman can receive.

I wish him well in his new duties as editor of the Scripps-Howard Tribune of Albuquerque.

While continuing his interest in the Tribune through his new consultant's role, Mr. Burrows will also be able to make his experience available to the people of Albuquerque in a new position.

When the City Commission learned of his plans for retirement and his new-found leisure time, they took quick advantage and appointed him to the City Planning Commission. Albuquerque is a rapidly growing city, with all the developmental problems that such growth implies, and Mr. Burrows will be an invaluable member of the commission which has the duty to insure that that growth is sound and orderly.

Dan Burrows was born in Indiana, Mr. President, but he came to Roswell, New Mexico with his family as a boy of seven, and has made our state his home ever since.

BIOGRAPHICAL SKETCH: BURROWS JOINED TRIBUNE IN 1928

An editor with a compassion for his fellowman, a dedication to his profession and a grand sense of humor was retired today after 43 years in his field.

He is Dan Burrows of The Albuquerque Tribune. More formally, he is Daniel Chapel Burrows. But to staff members, and hundreds of friends throughout New Mexico he is affectionately known as just "Dan."

Dan has been put out to pasture but plans to remain active in the life of the community in which he has spent his entire newspaper career—38 years of it on The Tribune.

Mr. Burrows was born on Jan. 17, 1898 in Indianapolis, Ind. and later lived in Appleton City, Mo., and Pitcher, N.Y., where he lived until he moved to Roswell in 1905.

His parents were William Riley Burrows, U.S. Weather Bureau meteorologist, and Minnie Chapel Burrows.

A country boy from the beginning, Dan lived and worked on farms and ranches near Roswell. It was in this rugged part of his life that he acquired some of the fundamental traits about hard work, honesty and loyalty that distinguished him throughout his career.

Graduated from East Grand Plains rural school near Roswell in 1910, he stayed out of school for five years to earn enough money to return to his education. He later was graduated from Roswell High and then (in 1918) entered New Mexico Military Institute and joined the Students Army Training Corps.

He remained at NMMI after his discharge and was graduated there in 1920 as valedictorian of his class.

EDITED ANNUALS

It was in high school and at NMMI where Dan got his first editorial experience. He edited the Roswell High annual, "El Coyote." At NMMI, he edited the annual, "The Bronco." Two of his assistants went on to great fame: Paul Horgan, author, and Peter Hurd, famed artist.

In 1920, Dan thought he'd like to be a lawyer and entered the University of Chicago for the fall quarter. But he returned to Roswell in January, 1921, as an assistant secretary of the Roswell Chamber of Commerce.

It was then that he started his newspaper career, as a correspondent for the old Albuquerque Herald and The Amarillo News, also editing The Roswell Way, the chamber publication.

Enrolling at the University of New Mexico in 1922, he worked his way through his first year waiting tables at the dormitory and doing publicity for the UNM president, Dr. David Spence Hill.

He quickly learned that he needed a full-time job and went to The New Mexico State Tribune to see its colorful editor, Carl C. Magee. Mr. Magee was out of town, but a reporter gave him a tip:

"If you're looking for a job, why don't you go over to the Albuquerque Journal. Their sports editor has been on a five-day drunk and they're looking for somebody to replace him."

UNM DEGREE

He was hired on the spot. In 1926 he was graduated with a B.A. degree at UNM. In 1928 he quit the Journal to take a job offer from the late E. H. Shaffer, editor of The Tribune.

His job: Writing sports and covering about half the town.

As sports editor, he authored a popular column "Burrowed Out."

Dan has retained the attachment for sports that he learned in those early days.

He was named managing editor of The Tribune in April, 1931, and in February, 1944, was made executive editor. The following May he was named editor, after the death of Mr. Shaffer.

Dan's leadership was reflected in the newspaper's showing in the E. H. Shaffer Award contests of the New Mexico Press Assn., where The Tribune won an unprecedented string of five consecutive community service prizes. The paper also won a National Headliners Award for public service.

Community service has been a mark of Dan's editorial leadership. His editorial stands have been a big force in the community. His policies calling for aggressive reporting of public affairs have often resulted in public as well as governmental action.

In spite of this force, however, Dan has never been one to countenance the use of power.

WEIGHED HIS WORDS

An editor slow to anger, Dan has weighed his written words carefully. But some obviously unfair situations and man's inhumanity to man and to animals have stirred his deeper feelings.

He has, throughout the years, campaigned aggressively against those who torture and mistreat dogs and other animals. In 1961, he won a special award from the American Humane Assn.

His kindness, and that of his late wife, Mary A. to dogs is well known on Gabaldon Road NW. Several strays have found warm firesides at the Burrows home.

Dan's sense of humor is alway evident and is always a source of inspiration to his friends and co-workers.

It is best known to the public through his popular column, "The Pony Express."

In 1930, he was married to Lenore Virginia Hanks. They were divorced in 1943. They had one son, Dr. William Chapel Burrows, a 35-year-old agronomist with John Deere Implement Co. at Moline, Ill. Dan was married in 1951 to Mary A. Mathewson. She died on January 19 after a four-month illness with a brain tumor.

A kindly, thoughtful and patient personality, Dan has been the friend of many newspapermen and women who have passed through The Tribune city room. To his employees, he has always been more than a boss, but a counselor and an ear tuned to their problems.

WEALTH OF KNOWLEDGE

Retirement has come for Dan Burrows but under Scripps-Howard policy for its editors he can be called on as a consultant. The wealth of accurate knowledge stored in his mind about the city, the state and its people will be available to this newspaper.

In 43 years of newspapering here, Dan Burrows has never been a rocking chair man. It's not likely that this strong, kindly personality will become one now at the beginning of a new vista in his life.

KANSAS PROJECT PROMISES MAJOR BREAKTHROUGH IN SEWAGE TECHNOLOGY

Mr. PEARSON. Mr. President, it is a characteristic of modern times that sewage treatment and disposal has become one of the major economic and technical problems facing society today. As the volume of sewage continues to grow the task of developing effective and efficient treatment and disposal programs becomes evermore challenging.

The problem here involves much more than the matter of enormous cost to municipalities. Inadequate purification of sewage is the primary source of the growing pollution of our fresh water streams and lakes. Pollution destroys wildlife, ruins recreational areas and reduces the already limited supply of usable water.

The enormous challenge requires major technical developments in sewage treatment. One of the most perplexing problems has been that of devising ways to remove residues from fertilizers and other similar chemicals which cannot be eliminated through conventional techniques. The volume of these inorganic substances is increasing and the failure to eliminate these constitutes evermore serious form of pollution. Many of these elements when placed into slow moving streams and lakes cause vigorous growth of algae and other water plants. The resulting abnormal growth can kill off fish life and destroy the commercial and recreational value of great portions of our fresh water resources.

Mr. President, a small experimental sewage plant now in operation in the city of Lawrence, Kans., may well prove to be the forerunner of a truly major breakthrough in sewage technology. Using a new approach of this plant has been able to remove inorganic chemicals, something which has never been effectively accomplished to date.

This project is the brain child of Prof. Ross E. McKinney, head of the University of Kansas Civil Engineering Department. Professor McKinney has been assisted by several of his students such as Doug Newport, Valery Wahbeh, Robert Sherwood and Russell Cummings. The small plant which they designed can handle the daily sewage of approximately 50 persons. This project may well provide the answers to the problem of controlling inorganic pollution.

Mr. President, I ask unanimous consent that an article appearing in the Christian Science Monitor of June 14, 1966, describing this project be printed in the RECORD.

Mr. President, I warmly congratulate Professor McKinney and his students and also call this project to the attention of my colleagues as this promising new technology is truly of national interest.

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

SEWAGE CHALLENGE: TEST PLANT SHOWS PROMISE IN KANSAS

LAWRENCE, KANS.—Near the banks of the muddy, slowly moving Kansas River stand two large green tanks, filled with algae, bacteria, and water. Overhead, a long line of fluorescent lights glows softly. A large green paddle wheel stabs at the air.

Few persons would suspect that the tanks, site of an experimental sewage treatment plant, may play an important part in solving the growing water-pollution problem in America. It takes over where ordinary treatment plants leave off by removing residues of fertilizers and similar chemicals that slip through conventional sewage treatment.

Lawrence, for example, has a modern primary process treatment plant.

In the primary process, raw sewage is pumped into a series of settling tanks and undergoes a simple process to remove solids. The insoluble organic and inorganic materials are taken out. The water returns to the source with 35 percent of the polluting agents removed.

Some towns also use a secondary sewage-treatment process. In this, there are additional tanks where bacteria remove soluble organic materials. Now 80–99 percent of the polluting agents are removed. Until recently, the secondary process was viewed as being entirely satisfactory for a town's needs.

ANOTHER PROBLEM SEEN

However, a few chemists and engineers saw that another problem lurked in the background—inorganic pollution. Neither of the two usual processes can deal with the problem. These inorganic substances, such as fertilizer elements cause vigorous growth of algae and water plants, especially in slower-moving streams. This excess plant growth is a strangling villain in larger bodies of water, also.

Then, Prof. Ross E. McKinney, head of the University of Kansas civil engineering department, hit upon an idea. In running streams, algae feeds upon bacteria and fertilizer elements. If the photosynthetic process could be speeded up, if the action could be contained within a fraction of the running river space needed to purify the water, the problem might be solved.

Enlisting the help of several engineering graduate students, Professor McKinney set out to test his idea.

First, he and his students built a practical working laboratory model. It worked beautifully.

The three students, Doug Newport, Valery Wahbeh, and Robert Sherwood, worked on the original plan, making adaptations. Mr. Sherwood later designed the pilot plant. It was built near the Lawrence Sewage Plant in the fall of 1964.

The plant worked well. But it needed modifications. A mixing paddle wheel had to be replaced. Limits had to be set for the sewage that could be pumped into the plant. The life of the algae was not specifically known. Could it be re-used?

Today, the plant has been enlarged to nearly twice its original size. It can handle the daily sewage for approximately 50 persons. Russell Cummings, graduate student in civil engineering, explained the basic processes that are involved in the plant.

The plant, some 25–30 feet long, contains two basic tanks, a slowly revolving paddle wheel, and a long line of fluorescent lights. The first tank contains algae, water, and bacteria. The line of overhead lights provide a constant source of light and some heat.

As the sewage is pumped in, the paddle wheel moves the materials in a long, counterclockwise circle. During the six- to eight-hour process, the following happens:

1. Sewage is pumped in.

2. The bacteria, feeding on oxygen and organic materials, oxidize the organic materials, giving off carbon dioxide.

3. Using the carbon dioxide and the sunlight or artificial light, the algae "eat" the inorganic materials, removing them.

The water is then pumped into the second, funnel-shaped tank, and after about two hours, the heavy mass of bacterial and algal cells settle into a central portion of the tank. They are then pumped back into the first tank for re-use.

5. The water remaining in the second tank moves through a series of V-notched weirs, then returns by pipeline to the water source.

6. The water is now 99 percent-plus free of organic and inorganic pollution.

TIMES AND AMOUNTS VARY

The algal growth or "algal seed" can be used again and again, Mr. Cummings said. It rejuvenates and replenishes itself. As the algae grow, they are able, with the aid of the bacteria, to handle large amounts of sewage, in a shorter period of time.

BIRTHDAY GREETINGS TO JAMES A. FARLEY, OF NEW YORK

Mr. RUSSELL of Georgia. Mr. President, while the Senate was in Easter recess, a prominent American, who is well-known to the Members of this body and to his countrymen, celebrated the 78th anniversary of his birth.

I refer to the Honorable James A. Farley, of New York, a distinguished former Postmaster General of the United States and an indestructible elder statesman of the Democratic Party.

As a longtime friend of Jim Farley, I am delighted to note that Mr. Farley continues to pursue a vigofous business career as chairman of the board of the Coca-Cola Export Corp., and maintains his customary keen and active interest in politics. I read in the press recently that Mr. Farley says he is looking forward to observing his 100th birthday, and I for one have not the slightest doubt but that he will do so.

Mr. President, I know that the other Members of the Senate join me in extending belated birthday greetings and best wishes to Jim Farley, and I ask unanimous consent to have published in the RECORD at this point a most interesting column about him by Carlton Johnson, editor of the Columbus, Ga., Ledger. I believe Senators will find this article a fitting birthday tribute to Mr. Farley.

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

MAN OF PRINCIPLES

(By Carlton Johnson)

It has been almost two years since I last saw James A. Farley, one of the grand old men of the Democratic Party, and who probably did as much to make Franklin D. Roosevelt president as any one else. It was at the 1964 Democratic convention in Atlantic City where he gave me an hour of his time out of a busy schedule for an interview.

As we said then, Jim Farley is a Democrat with a big "D." A frequent visitor to Columbus and Georgia, Jim Farley is a living legend of politics—politics of the Democratic Party brand.

Today is Jim Farley's 78th birthday, although we've already seen pictures of him in various newspapers in which he was celebrating the occasion a little bit ahead of time.

Jim Farley, who was Postmaster General in the Roosevelt cabinet, but broke with FDR over the third term issue, has come through many political ordeals with the reputation of being an unusual politician who is unable to compromise with his moral principles, and one who has the uncanny ability as a political prophet.

On my trip to Atlantic City in 1964, we talked for an hour in his hotel suite on a warm August afternoon. The conversation never strayed from his favorite subject—politics. Almost casually, with an air of supreme confidence, this vigorous man of the political wars, tossed off what seemed then some rather astounding predictions about the outcome of the Johnson-Goldwater election.

Jim Farley at that time foresaw a landslide victory for President Johnson, predicting the Texan would carry at least 42 of the 50 states. From time to time during the weeks to follow, he revised his figures upward.

The only slip up he made in the predictions at that time was that he had not reckoned with the deep feeling prevalent in the Deep South. Otherwise, he came remarkably close to calling the outcome of the 1964 presidential election.

One thing he said during that interview still sticks with me. He expressed concern over the "word" of many people in politics in general. "The word of some of those in the party is not as good as in earlier years," he said. "If someone told you something back then, you could go to bed and know that that word would still be the same the next morning."

But Jim Farley's word is still "good." He has strong and firm convictions and doesn't hesitate to express them. As we said, he has been a man both in politics and business who has been unable to compromise with his moral principles.

NATIONAL WATER COMMISSION

Mr. TOWER. Mr. President, in reporting out and passing, last week, S. 3107 to create a National Water Commission, the Committee on Interior and Insular Affairs and the Senate as a body acted in the best interests of our Nation and people.

The 1st session of the 89th Congress provided positive action on behalf of water resources conservation by passage of the Water Pollution Control Act of 1965 and the Water Resources Planning Act—which created the Water Resources Council. It was my privilege to cosponsor the present bill.

S. 3107 reflects a farsighted approach to the problem of steadily increasing demand on our water resources which has characterized recent actions by Congress. Our actions, in many instances, have been simply reflections of the growing awareness of Americans of the importance of water and the necessity for conserving this commodity. It has been estimated that we may be using every available drop of fresh water in the country by the end of the century.

The people of my own State of Texas have long been conscious of the value of water and have recently been making substantial progress in solving our own water problems within our State. Local hearings in cities throughout Texas will begin shortly in an attempt to evaluate the proposals made in the Texas water plan. Briefly, this plan is aimed at transferring water from the river basins of rain-rich areas of the State to areas of water deficiency. There are, of course, many problems which must be faced in such a plan—but I am confident that Texans will be able to work together in this area and reach solutions which will solve our own problems.

By planning now, on the State, local, and national level, we can escape the grim prospects of a water-deficient future. By the passage, last week, of S. 3107, we have taken a substantial step towards meeting our long-range needs.

Recently, I had occasion to comment on this general area and problem. I ask that at this point there be inserted in the RECORD a transcript of my report to Texans entitled "Water for the Future."

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

WATER FOR THE FUTURE

Most of us are concerned primarily with the demands of the present day, the problems of day-to-day living in our complex society. And yet, Texans always have been particularly careful to plan also for the future.

Today, as we worry about and seek solutions to a war in Vietnam and to cost-of-living increases at home, it would be easy for us to forget the future. But, we cannot. We must deal with our present needs. And, we must also deal with the needs of the Texans who will come after us.

The field of water is perhaps the most important for our state's future—water conservation, water purity, water availability, water for crops, water for livestock, water for industry, water for people.

I am particularly pleased that our state is making an earnest effort to face these water demands. Our technical leaders in this field have prepared a comprehensive, imaginative and constructive State Water Plan. The Plan is designed to meet our future needs as best we can estimate them today.

It is significant, I think, that Texas is busily doing something about its water needs, while some other states stand around waiting for the federal government to do something for them. Water resources are a national problem, all right. Rivers and watersheds cross state lines and even national borders. But water is too important to be left up to somebody else. Texas must do what it can now, asking for help if we need it, taking useful assistance when it is available.

It is important to note that water is coming to be regarded as a national resource. For instance, the residents of New York City now know—as West Texas farmers and ranchers have known for years—what it is to be short of water. In these circumstances Congress this session has passed so much water legislation that some refer to this as the "Water Congress."

I have co-sponsored six major water bills this session, and five of them already have become law. They provide federal assistance in development of water resources in desalinizing, in precipitation utilization, and in construction of rural water systems.

Also, I have offered the Senate an amendment, proposed by our state leaders, that would include Texas in federal feasibility studies of ideas to channel water from the Pacific Northwest into our Southwestern states. And, as we look even farther into the future and across national boundaries, I have joined as a cosponsor of a bill calling for studies of the vast North American Water and Power Alliance proposal. Texas has an interest in that plan to transfer now-wasted Arctic and Alaskan water into the farming and populated areas of Canada, Mexico and the United States.

If Texas is to continue its growth and prosperity, now is the time for us to look toward the year 2000. Water projects often require decades to complete. The new State Water Plan is a giant step in the right direction. While many of its individual projects are still to be worked out, its broad framework and its thrust are essential guideposts. It is designed to see that all Texans will have adequate water, wherever they live.

Texas has tremendous resources of good water. These supplies must be effectively developed, distributed and utilized if we are to meet the demands of our rapidly growing and changing population and economy.

Just 50 years ago 75 percent of Texans lived in rural areas, and there were only 5,000 small manufacturing plants in the state. Today, nearly 60 percent of Texans are city dwellers; the number of industrial plants has doubled; and the number of workers in those plants has increased five times.

By the beginning of the next century—only 35 years from now—our state's population will again be doubled, to more than 20 million Texans—85 percent in cities.

Our cities already grow at the astonishing rate of 19,000 persons a month. And, to grow, a city must have adequate water at reasonable rates. If there is not enough water, there will be no growth.

Barring dramatic changes, we will need more than six times as much good, fresh water in the year 2000 as we are using today.

If Texas is to assume a responsible role in water development, the new State Water Plan will require careful discussion, close attention and the eventual support of all governmental bodies and all Texans.

On many occasions our state has led the way for others to follow. If we can work among ourselves, with the federal government and with our international neighbors to meet our future needs for water, we will be doing a great service not only to our Texas sons and daughters, but to our entire nation.

DISTRICT OF COLUMBIA DRINKING AGE

Mr. SCOTT. Mr. President, I am pleased that radio and television stations WTOP here in our Nation's Capital recently presented an editorial in support of an increased drinking age in the District of Columbia, a purpose which would be accomplished by my bill, S. 2480. I ask unanimous consent that this editorial be printed in the RECORD.

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

DISTRICT OF COLUMBIA DRINKING AGE

(This editorial was broadcast on June 10 and 11, 1966, over WTOP radio and television)

This is a WTOP Editorial.

There is now bubbling on Capitol Hill a proposal to raise the drinking age in the District of Columbia from 18 to 21. We support that change in the law—in the full knowledge that we will be in immediate trouble with tavern operators and many thousands of teenagers.

Because Maryland forbids all sales of alcoholic beverages to persons under 21 and because Virginia restricts such sales to 3.2 beer, the District has become a mecca for the beer-drinking and wine-sipping younger set. The most popular congregating point is a kind of saloon alley in Georgetown. It is the protests of Georgetowners—and most particularly a dozen or so Senators who live in Georgetown—which have raised the drinking-age issue on the Hill. The House has passed the

bill; the Senate is giving it the careful handling appropriate to any hot issue.

Those who argue for beer and wine sales to 18-year-olds lean heavily on patriotism. Why, they say, should we refuse to sell beer and wine to young men who are eligible to fight and die for their country? This stirs us not. It does not follow that because a youth is eligible to be drafted he is therefore eligible for all other privileges and duties of citizenship. We do not, for example, hear any arguments that because a boy can be drafted at an early age the constitutional age minimum for Congressmen should be changed from 25 to 18½.

A total of 36 states now forbids alcoholic sales of any kind to minors. This is not repressive; it will not shatter the fun-loving spirit of young America; let them drink milk, or ginger ale, or root beer, or Coca Cola, or Pepsi Cola, or Royal Crown Cola, ar Tab, or Sprite, or what-have-you. We think a 21-year school drinking limit in DC would be a good thing.

This was a WTOP editorial, Jack Jurey speaking for WTOP.

THE CRISIS IN OUR SHIPBUILDING INDUSTRY AND MERCHANT MARINE

Mr. BREWSTER. Mr. President, our shipbuilding industry and merchant marine today face a crisis of vital concern to the entire Nation. This concern is reflected in a very stimulating speech I read recently by Mr. Daniel D. Strohmeier, vice president in charge of shipbuilding at the Bethlehem Steel Corp.

In his speech, Mr. Strohmeier notes America's excessive dependence on foreign-flag vessels for our foreign trade. Russia, on the other hand, is engaged in a stepped-up program in which she is constructing ships at a rate 10 times that of this country.

What may be of even more immediate concern to my colleagues in the Senate is the importance of the merchant marine crisis to the Vietnam conflict. Ninety-eight percent of supplies to that country are sent by ship, making it necessary for us to bring back to use over one hundred overage Victory ships of World War II vintage.

Mr. President, Mr. Strohmeier's speech strikes at the very core of the merchant marine problem. In the knowledge that my colleagues will want to read it, I ask unanimous consent that it be printed in the RECORD.

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

REMARKS OF DANIEL D. STROHMEIER, VICE PRESIDENT IN CHARGE OF SHIPBUILDING, BETHLEHEM STEEL CORP., BEFORE THE CHAMBER OF COMMERCE OF METROPOLITAN BALTIMORE, EMERSON HOTEL, BALTIMORE, MD., MAY 23, 1966

Mr. President, members of the Chamber of Commerce and guests. I am honored to have been asked to participate with you in the opening of Baltimore's World Trade Week. By coincidence or design today is also National Maritime Day, commemorating the first Atlantic crossing by an American steamship. It is therefore appropriate on this occasion to take a look at the ocean shipping services available to us, for without them there could be no world trade. Baltimore is one of the world's great seaports and in a real sense the prosperity of this entire area is dependent on the port. It is too easy to take for granted those natural advantages, the intelligent exploitation of which has provided the robust economy of greater Baltimore.

Not all cities are as fortunate. I am reminded of the time Chauncey DePew went to Denver as guest of honor at some civic function. There were many speeches by local dignitaries in which the central theme was that Denver would easily be the greatest city on earth if only it were a seaport. The guest speaker was finally called upon. As time had long since run out, he discharged his notes and made one of the shortest speeches of his life. He offered the good citizens of Denver a remedy. He said, "Run a pipe line to the Pacific Ocean and if you can all suck as hard as you can blow, Denver will be a seaport overnight."

Baltimore needs no such advice from me. The Lord provided a fine natural harbor, but the day of the Baltimore clipper, for which it was admirably suited, is gone. Ships are outgrowing your channels and port facilities and much work will have to be done to maintain your share of world trade. Philadelphia is planning a 50′ channel and Baltimore should not be caught napping with less.

A vital concern of the ocean shipping complex serving Baltimore is the American Merchant Marine. I propose to talk about this from a shipbuilder's point of view and so I plead guilty in advance to any charge that I am an interested party. In any event I should warn you that this is a subject fraught with controversy which can be avoided only by the use of the most sickening platitudes.

There are two matters that should concern all of you who have a long-term interest in the availability of shipping services.

One is our almost total dependence on foreign-flag vessels for our foreign trade. At present that reliance is about 91 percent and rising. This is a pretty sizable chunk to put at the mercy of our competition. My old granny used to tell me that if you put that many eggs in one basket, you should at least get a firm grip on the handle.

The other matter of concern is the massive build-up of the Soviet Merchant fleet. At present Russia is building ships at about 10 times our construction rate. In a few years, if they continue as they have assured the world they will continue, their fleet of cargo ships, bulk carriers and tankers will be far beyond the requirements of their own economy. Obviously, they intend to use this vast fleet as an instrument of their national policy. (After all, what maritime country does not?) In the hands of the Soviets that fleet will be used to break the market on any sea lane in the world at their pleasure. They will be able to destroy the economic basis of the ocean services upon which we are depending for our world trade.

As an instrument of our national policy, our merchant marine does not measure up to our stature as a world power.

We are today facing a crisis in American merchant shipping and American merchant shipbuilding. This crisis has been generated by a combination of national apathy and computer brinkmanship. The statistics tell the story and they are shameful. Today our active merchant fleet consists of about 900 vessels—most of them obsolete—and they are carrying less than 9 percent of our foreign trade compared with 24 percent 10 years ago. Over the last 10 years our merchant ship yards have been building replacements at less than half the obsolescence rate of even that fleet. This year new ship orders will meet only one-fourth of the obsolescence rate.

The age of the fleet clearly reflects this disgrace. The average age is 18 years. And the average is marching nearly in pace with the calendar. Seven ships out of ten are overage.

As a nation we are used to having the biggest and best of everything. In our merchant fleet, however, we have one of the smallest and worst. Americans should be ashamed of the fact that seven ships out of ten are below the standards set by African Liberia for vessel registry.

One might raise the question: Have we no Merchant Marine policy? The answer is that we do. But it is not being carried out.

In 1936 a national policy was formulated by a Congress and by a President who understood the significance of sea power. That policy was embodied in the Merchant Marine Act of 1936. Its ringing declaration of policy stated that our national defense and commerce require that this country have a merchant marine capable of handling all of its water-borne domestic commerce and a substantial portion of its foreign commerce. It stated further that such a merchant marine should be composed of American-built ships manned by American citizens. It provided the machinery, via subsidy, to implement that policy with a Government agency charged with fostering the development of such a merchant marine.

That was the law in 1936, and it is the law in 1966.

If it is our national policy to carry a substantial portion of our foreign commerce in American ships, why are we now carrying less than 9% and why are we now laying down so few new ships that they will support less than half of that 9%?

These are vital questions for everyone concerned with our foreign commerce and for every citizen concerned with our defense capabilities.

I believe these are the principal reasons for the present state of affairs:

First, there is a disposition in Washington today to ignore past experience. We got through World War II right side up only because we could bring the industrial might of America to bear against the enemy. Virtually all of it had to funnel through the stupendous merchant marine created through the expanding efforts of an already healthy shipbuilding industry together with the good luck of a time buffer furnished by England.

Unfortunately, there is today in Washington not one single key official who has any personal experience with what was required to achieve the World War II merchant marine. Furthermore, it appears that there is in Washington today a dearth of understanding of the significance of sea power.

Second, as a nation we are losing a sense of values and a sense of proper national priorities. If a project has glamour, it gets the green light. If it produces votes for the party in power, it is supported. But if it is necessary only for our survival but lacks glamour and votes, it is ignored.

Compare the paltry 400 million dollars a year for the whole merchant marine with 5 billion for space. Of the 400 million for the merchant marine only 85 are for new ships. Compare this 85 with a figure I saw the other day of 820 million to develop vehicles to travel on the moon—after we get there. Now, I thrill to the spectacle of our space exploits, and, after we do get to the moon, I expect to be emotionally intoxicated for a day or two. But really, you wonder about our sense of proportion when we spend 820 million for travel on the moon, where we don't live, and only 85 million for merchant ships to carry vital cargoes on the earth's surface where we do live.

A third reason we are in such a sorry posture at sea is what might be called computer-brinkmanship. Four years ago the Defense Department concluded that we had all the merchant ships we needed for any foreseeable military emergency and that, anyway, most of the men and materiel would be transported by air. The verities of the 1936 Merchant Marine Act were held to be out of date. In 1936 it was obvious that just about all of our overseas transport had to be by ship. But surely, it was held, we have an

entirely different situation today. After all, much has happened in the last 30 years. We now have things we did not have 30 years ago: television, radar, lasers, transoceanic airplanes, helicopters, transistor radios, nuclear power, nuclear warheads, ICBM's and earth satellites.

Well, just how different are the logistics of war now from what they were 30 years ago? We don't have to guess. We now have a war on our hands against which to check the output of the computers and, incidentally, the quality of the input. What do we find? We find that for all of our vaunted progress since 1936, 98% of the Vietnam lift—you guessed it—is by ship.

For those of you who like to plot curves and speculate on the future, you might try this exercise. Against the Spanish-American War in 1898 (the last war before the Wright Brothers), show the logistical share by ships as a 100%. Against Vietnam 68 years later, show the share by ships as 98%. Now, with all the imagination you can summon, extend that curve into the future, and see if you can make it fall away fast enough to overtake the dwindling curve of availability of our already overage fleet. Anyone, with knowledge of the facts and ordinary intelligence, could see that those two curves will not cross.

Yet, Washington's computers concluded we had enough ships. Well, we have already found it necessary to break out 108 overage Victory ships from the World War II laid-up fleet. And we are scraping the bottom of the shipping barrel in an undeclared war that involves no enemy action at sea. I humbly suggest that this is brinkmanship of the most dangerous order.

Now, I do not wish to leave the impression that I alone have the insight to recognize the decline of the merchant marine. Others are concerned and there have recently been signs that some in Washington are becoming aware. Most everyone has a pet panacea, including me, and here is where the yelling begins.

An Interagency Maritime Task Force, consisting mostly of anonymous members from at least six Government departments, has issued a totally defeatist report. The gist of it is that only about ⅓ of 1% of our national budget can ever be spared on the merchant marine. Therefore, the way to get a larger merchant fleet under the American flag is to reapportion the pie—by spending less on new ship construction and more on the operating subsidies. An essential ingredient of this plan would be to permit, for the first time, the building abroad of American ships subsidized as to operations. The present Maritime Administration espouses this course in spite of its being charged by law with the promotion of an All-American merchant marine, and in spite of all the balance of payments considerations.

Another group, representing a wide cross section of ship operators, has recently advocated building abroad.

Both groups say they believe in a healthy shipbuilding industry but are content to leave it to the Defense Department. Sort of like sweeping it under the rug.

Still another group, the Presidentially-appointed Maritime Advisory Committee, would retain American shipbuilding and would impose flag-preference on bulk imports.

And the shipbuilders themselves, understandably, take a dim view of opening the flood gates to cheaper foreign-built ships.

It is obvious that the maritime industry in this country is fragmented by divergent views and contradictory opinions. The views of each industry group are expressions of raw self-interest, slightly disguised by an aura of enlightenment.

The subsidized lines, which comprise about one third of the active fleet, see the pie shrinking and, understandably resist admittance of new members to the club. They would like to have nearly all the money for themselves, including most of the funds heretofore set aside for the building of ships in the country.

The American-flag tramp operators have severe problems of their own. Unsubsidized directly, they operate mostly old ships, enjoy preference cargoes and face a serious replacement problem.

The tanker segment wants a minimum of Government interference or restraint.

The American-owned flags-of-necessity fleet, numbering over 400 vessels, is an important adjunct to our potential sea lift. They are engaged almost exclusively in the offshore dry or liquid bulk trades and are under constant bombardment from American labor. They most assuredly oppose suggestions of import quotas by flag-preference.

These divergent industry views are expressed by men of considerable stature, and they deserve attention. But it is obvious that all these views cannot prevail at once. And here is where we find that our leadership is bankrupt. In a field so closely identified with the national interest, that leadership must necessarily be supplied by the Government. When highly placed officials of our Government suggest that we can have a merchant marine to meet national objectives without a corresponding shipbuilding industry, I shudder. That is like trying to run a restaurant without an adequate kitchen.

The issue as I see it is whether we can have adequate sea power with a large and aging fleet in being but without proper replacement capability or with a balance between fleet in being and capability to expand rapidly. Put this way, the question answers itself.

If history is any guide, our next major war will be started by somebody else who will determine the time, the place and the weapons. My judgment is that it will not be a push button war of only a few hours' duration. It will be a war of wearing down—of attrition. It will be either here or abroad—and it had better be abroad. Here is where the merchant marine comes in as an arm of defense.

No nation has ever won a long war with just the hardware on hand at the start. This includes ships. In World War II, allied merchant vessels lost to enemy action totalled 4,786. Early losses averaged nearly 100 per month and this in spite of the fact that Germany began the war with only 47 submarines. Russia today has approximately 500. The probabilities are strong that our existing merchant fleet would de decimated by the end of the first year.

Where would the replacement come from? Surely not from the emaciated domestic shipbuilding industry we will have if the advocates of a build-abroad policy have their way. Then from our friends? Possibly, but it would be fatal to count on it. It is doubtful that their resources could support such an effort. Moreover, with the world in turmoil, the coefficients of international friendships are as variable as the weather. Consider the present state of flux.

SEATO has fallen apart as an effective instrument of defense. NATO is being rocked. The British Empire has ceased to exist as a major world force for peace and Britannia no longer rules the waves.

Our friends, to our discomfort, trade regularly with Cuba and Red China. We are even trying to dissuade some of them from going into Haiphong.

We were born a trading nation, and we are presently the World's greatest trading nation. However, it is too much to expect that today's good overseas commercial friends will be equally good military friends tomorrow. Their national interests and ours are not necessarily identical.

As one who has personal experience with our World War II shipbuilding effort I can say with fair certainty that, if we depart from tradition and build and repair our merchant fleet abroad, we shall no longer have a shipyard industry capable of doing the kind of job that may have to be done.

Now for a couple of the myths that are being circulated to confuse the maritime picture.

It has been fashionable of late, particularly in Washington, to assert that all other industries in this country can compete abroad and, therefore, the shipbuilders should be able to. Well, even our mass-production industries, which should have the best chance of successfully competing, cannot always do so. Instead, many build plants abroad to compete in foreign markets. A ship is not like an automobile, one make of which, Madison Avenue tells us, is spawned every 14 seconds. Of all man's creations it is one of the least susceptible to mass production. John Ruskin once gave some of the reasons for this:

"Take it all in all, a ship is the most honorable thing that man, as a gregarious animal, has ever produced. Into it he has put as much of his human patience, common sense, forethought, experimental philosophy, self-control, habits of order and obedience, thoroughly wrought hand work, defiance of brute elements, careless courage, careful patriotism, and calm expectation of the judgment of God as can well be put into the space of a ship."

I could add with less eloquence that a modern ship also represents the industrial product of our 50 states, from steel and nonferrous metals to electronics, furniture, paint, wood, machinery, equipment and the many thousands of specialty products from every major industry in the country—all purchased by the shipbuilder and incorporated in his final product.

In a modern cargo vessel, all of those products made by others represent about 55% of the cost of the ship. Construction subsidies at present are based on the assumption that the complete ship might be constructed abroad for about 45% of the domestic cost. All of which means that if a ship costs, say, 10 million if built here, it would cost only four and a half million if built abroad. Even if the American shipbuilder could reduce the cost of his shipyard operations to zero—which would be a remarkable performance—he still could not compete with his foreign counterpart, because his purchases alone would cost him five and a half million, or about 20% more than the price of the entire ship abroad.

If this is an indictment of anything, it certainly cannot be laid in the lap of the shipbuilder. It is rather a commentary on the American standard of living.

Another myth currently being circulated by officials in Washington is that our shipbuilding research and technology are laggard and behind the times.

Much of the criticism comes from those newly arrived on the scene. They reveal, without really knowing it, an impatience with the basic disciplines of naval architecture which the sea has dictated to man over countless centuries. This criticism would suggest that we should devote our research energies to assaulting the impregnable barriers erected by nature. But are we shipbuilders really unprogressive when we recognize and accept the truths that we know to be immutable?—for instance, that a cubic foot of sea water weighs today just what it did in the days of Noah's Ark?

We are chided by those who should know better that there is little new in ship design in contrast with the spectacular strides in aviation. However, we shipbuilders have not been standing still. We have been exploiting the exploitable just as the aviation industry has. We have for some time been pushing speeds close to the acceptable limits. The aviation industry is newly arriving at

them. On the other hand, we have been able to exploit the possibilities of size growth to a greater extent than in aviation. A rough gage of relative progress is a comparison of the growth of speed-weight factors. It may come as a surprise to many of you that since World War II there has been more progress in shipbuilding in increasing speed-weight factors than in aviation. During this period, the adult has grown faster than the child.

Now, back to the main theme of our tottering merchant marine.

What does all this boil down to? Most people who have stood up to be counted agree generally on one point regardless of their disagreement as to details. That is, that our merchant marine is not healthy enough to serve the national interest.

As I see it, if we intend to be a world power, we must act like one. This means facing up to the necessity of spending what we have to spend to carry out the policy of the Merchant Marine Act of 1936, whose principles ring as true today as they did then.

When things are not going well, it is only human nature to seek a scapegoat. To blame the Maritime Administration or the Pentagon for the ills of the Merchant Marine is to oversimplify the matter. In the final analysis, only Congress has the power to deal effectively with the situation and this is where we as responsible citizens must act under our form of government. This is an election year. Anyone concerned with that part of our well-being dependent on foreign commerce might well ask of a candidate: "What are you going to do about the Merchant Marine?"

The cost of not being prepared is many times the cost of foresight. I suggest we wake up while there is yet time and postpone our trip to the moon if necessary to get on with the task of implementing our established national maritime policy.

THE 26TH ANNIVERSARY OF THE OCCUPATION OF ESTONIA, LATVIA, AND LITHUANIA BY THE SOVIET UNION

Mr. SIMPSON. Mr. President, 26 years ago the Soviet Union, acting in violation of every covenant of human decency and international law, occupied the Baltic States—Estonia, Latvia, and Lithuania. The articulate and learned Senator from Colorado, PETER DOMINICK, has authored a statement on the occupation of the Baltic States. Unfortunately, he is not able to be here today to personally deliver it. It is my privilege, therefore, to ask on his behalf that it be printed in the CONGRESSIONAL RECORD.

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

STATEMENT BY SENATOR DOMINICK

For 26 years the Baltic people in the Free World, as well as those enslaved in their homelands, have been striving to return freedom, democracy, and self-determination to the Baltic States. The spirit involved in their continuing struggle is obvious to all of us, for they are faced with a power far too strong for them to overcome alone, and long before now discouragement could easily have set in. The flame of freedom could have been quenched by the Soviet Union with oppression and subjugation.

But that is not the case. With every act of inhumanity, in spite of every moral and legal injustice they have suffered, the courage to regain their rightful freedoms increases in the Baltic peoples. Estonia, Latvia and Lithuania have continued the battle in spite of overwhelming odds and in spite of their hesitancy over the commitment of the United States, as leader of the Free World, to their cause.

I think today is appropriate, for a reaffirmation of our commitment. There is no more meaningful day than this to encourage the once proud republics of the Baltic States. There is a more meaningful way than mere words, however, to express our commitment, and I suggest to my colleagues that perhaps we should consider once again our policies toward the Soviet Union. We must view its acts as usurpation of the liberties of people who deserve as much as we do the fruits of their own labors and the welcome responsibilities of self-determination. I suggest that it is high time we looked at Soviet Russia in the light of Russia's illegal occupation of these Baltic States and take steps to emphasize the weaknesses in the overall communist system.

Instead of strengthening the holds the communist masters have over the Baltic States through trade on the communists' terms, let us say to Russia, "If you want our wheat because your agricultural system has repeatedly failed, we'll sell you wheat for cash if—and only if—you grant freedom of access to Estonia, Latvia, and Lithuania to United States news reporters." We could garner the fruits of trade with the Soviet Bloc if they, in return, conceded to us significant political rights such as this. The battle of free men would be advanced by such a policy and the hunger for freedom inherent in the Baltic peoples would be nourished. We would show to other enslaved peoples of the world that we mean what we say and that we have the strength of commitment to constructively work toward their eventual liberation.

I join with my colleagues in again pledging my efforts toward eventual liberation of the Baltic States, and of every enslaved nation in the world. I hope the day will come when we may join hands with Estonia, Latvia and Lithuania in the community of free nations whose goals echo freedom of opportunity to enlarge their own horizons in peace and with justice.

BIG BROTHER, LITTLE BROTHER

Mr. LONG of Missouri. Mr. President, a recent editorial from the Newark, N.J., Evening News, raises a very serious question. If Big Brother, "the all-knowing ruler of the year 1984," is not yet watching, are we being surrounded by a lot of "little brothers"? And if these little fellows are not spanked and harnessed, will they result in our society "living in fear of Big Brother"? Mr. President, this is a most thought-provoking editorial, and I ask unanimous consent to insert, at this point in the RECORD, the editorial dated March 25, 1966.

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

TO BE ALONE

The "bugged" martini is probably the most ludicrous example of the lengths to which snoops will go. But there are simpler methods, and apparently they abound: A Harvard professor, whose character is considered above reproach by a U.S. senator, is placed under surveillance during a trip abroad; private detectives look for damaging evidence in the personal life of a lawyer who criticizes automotive safety; a spy is planted in a drug firm by a company specializing in industrial undercover work.

Big Brother, the all-knowing ruler of the year 1984, is not watching. Not yet, anyway. But a lot of little brothers are and as they do they raise questions that defenders of the individual have constantly struggled to answer. The late Justice Brandeis, dissenting from a 1928 Supreme Court ruling that wiretapping was not an unreasonable search and seizure, went back to the framers of the Constitution to argue . . . "They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the government, the right to be let alone."

Dr. William Beaney, Cromwell professor of law at Princeton, agreed in testimony before a House subcommittee investigating the invasion of privacy. Dr. Beaney, aware that a final definition of privacy is elusive, did, nonetheless, call for an inventory of activities that raise the issue of privacy and dignity.

Dr. Beaney's suggestion has generally gone unheeded. Some intrusions may have been justifiable; others could have been pernicious, while still others could best be categorized as absurd. But if such practices are to go unchecked, they could result in a society of living in fear of Big Brother.

THE REAL REASONS FOR OUR PRESENCE IN SOUTH VIETNAM

Mr. McGEE. Mr. President, the real reasons for America's presence in South Vietnam are set forth quite realistically, I think, in a column Howard K. Smith wrote for the Evening Star. Smith asks if the United States is pleading its case in Vietnam on the wrong grounds by emphasizing legal and moral reasons for our presence. And he prefers, as I do, to argue the case for our presence in Vietnam on the basis of political realities.

The "real and relevant" explanation for our presence in Vietnam, he says, "is that this is a power struggle the loss of which would bring consequences awful to contemplate." Mr. Smith states the consequences in this column, Mr. President, and they are indeed awful to contemplate. I ask unanimous consent that the article be printed in the RECORD.

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

IS UNITED STATES PLEADING VIET CASE ON WRONG GROUNDS?

(By Howard K. Smith)

Every successive opinion poll shows that our appetite for resisting in Viet Nam is declining, and that President Johnson's stock with the voters is going the same way.

One cannot help thinking that the administration is not putting its case to the American people in proper terms. Of several faults, one is outstanding: The President and Secretary of State Dean Rusk and their colleagues almost always justify our effort in Southeast Asia on legal or moral grounds. The fact is that the struggle there is essentially and overwhelmingly a power struggle which we would probably have to undertake regardless of law or morality.

This is not to agree with the host of guilt-ridden critics who believe our moral case is bad. Compared with our foe's case, it is downright good. Ho Chi Minh has never dared submit his regime to a free election such as we are pressing for under U.N. inspection in the south.

His instrument of power has been terrorism. His "reforms" left the average North Vietnamese peasant considerably worse off that the average South Vietnamese peasant—until Ho made life in the south impossible by the murder of nearly all local officials and the systematic intimidation of the rest. It is an eloquent fact that though war-weary

South Vietnamese dissent or riot or desert the forces, none go over to the Viet Cong.

But the real and relevant explanation of why we are fighting is that this is a power struggle the loss of which would bring consequences awful to contemplate.

To make the point, consider what would happen, first if they, then if we, prevail.

A Communist success, following an American withdrawal, would be an "open-ended" result. It would sharpen their appetite and desperately weaken the resistance of neighbors waiting to be consumed. It would justify the basic motivation of their ideology which is blind faith in a world interpretation that promises universal dominion at the end of the road.

The "domino" theory is much discredited in conversation. But the facts of life are these: Laos and Cambodia are shot through with guerrilla forces trained where those now in South Viet Nam were trained. Our AID officials in Thailand are watching a guerrilla minority, trained in the same place beginning to accumulate power by methods of pure terror in northeast Thailand.

China has made public the intention of adding Thailand to her bloc, and her actions over many years make clear her ultimate design of forcing the disintegration of India, the only possible counter-force to China south of Japan.

In short, a Communist success would be a destabilizing event; it would be bound to lead to further and worse conflicts.

A success for our side, on the other hand, would be a stabilizing result. As in Europe, we seek no territorial gain. Our aim is to find a line and establish the principle that we will not cross it to their detriment if they will not cross it either.

In the age of nuclear weapons it is a paramount mission to establish this principle that borders may not be changed by force in Asia—just as we established it in Europe. With China rapidly becoming a nuclear power, we dare not relinquish the effort now by curtailing our force or withdrawing it.

In his recent history of our times, Prof. Carroll Quigley makes the point that Germany, Italy and Japan gained immensely more by losing to us in World War II than they could have possibly have gained by winning. Had they won, their governments, filled with the seeds of their own degeneration, would have been stimulated to infinite acquisition, with consequent national impoverishment and eventual annihilation by the United States. As it is, they have stabilized, become progressive, democratic and prosperous societies.

Very much the same can be said about the Communist nations of Asia. If they win in Viet Nam, they will move on indefinitely to extend their sway. At some point the United States would be forced to intervene again, this time with the support of the opinion polls of a frightened public that at last would see the real nature of the struggle. A much bloodier war would result.

South Viet Nam is the right place and this is the right time to make a stand.

KANSAS DETERMINED TO REBUILD AFTER KILLER TORNADOES

Mr. PEARSON. Mr. President, last Wednesday, June 8, a series of killer tornadoes struck Kansas. Approximately 15 tornadoes were sighted and several of them touched down and left paths of violent destruction. A good number of communities and farm sites were affected. All together 17 persons were killed. Over 500 were injured with almost 100 of these requiring hospitalization. Preliminary surveys supplied to me by the Red Cross show that 818 homes were destroyed, 938 with major damage, and 1,116 with minor damage. In addition almost 100 house trailers were destroyed or received major damage. All together a total of approximately 3,300 families suffered losses.

In the city of Manhattan approximately 75 homes in a newly developed section of Manhattan were either destroyed or received extensive damage. At Kansas State University all but two of the married student housing apartment buildings received such major damage that they have had to be evacuated.

The greatest destruction, however, was concentrated in Topeka, the State's capital. Here 16 persons were killed and approximately 2,000 homes destroyed or damaged. Several apartment buildings were also hit, leaving a total of 3,000 families homeless. Approximately 200 business firms were destroyed or received major damage. One automobile dealer lost 275 automobiles through the storm.

The city's Washburn University was especially hard hit. President John W. Henderson states that the losses to the university are probably "the largest damage ever to any institution of higher learning."

Preliminary estimates placed the loss for Topeka at $150 million. However, several building experts believe that final estimates may well show damages of at least $300 million.

Mr. President, an article in this morning's, June 15, Wall Street Journal describes the death and destruction which was visited on Topeka a week ago. It also reports on the tough determination of Topekans to rebuild their devastated city. While I visited Topeka last Friday, I was impressed by the manner in which all the city's citizens were working together to clean up the debris and to make their city operational and livable as soon as possible. Topeka Mayor Charles W. Wright, and Topeka Water Commissioner C. Frank Mannspeaker, are today here in Washington seeking assistance in planning and funding rehabilitation of the city, which suffered what some believe is the worst damage ever sustained by a metropolitan area from a tornado. Housing, mass transit, education—all suffered heavily from the twister. The Wall Street Journal article describes this mood of determination and cooperation very effectively and I ask unanimous consent that it be printed in the RECORD at the conclusion of my comments.

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

(See exhibit 1.)

Mr. PEARSON. Mr. President, it is encouraging to report that all the regular natural disaster programs and agencies are being effectively used to help Kansans recover as rapidly as possible from this disaster. However, as I stated last Thursday upon introducing a special disaster relief bill, I believe that additional programs beyond those by present law are needed in order to provide reasonable and necessary relief. President Johnson has declared Kansas to be a national disaster area, indicating that this was a disaster of truly major proportions.

EXHIBIT 1

[From the Wall Street Journal, June 15, 1966]

TORNADO AFTERMATH: TOPEKA DEMONSTRATES HOW CITY CAN REBOUND IN WAKE OF A DISASTER—DEVASTATED AUTO DEALERSHIP RENTS FAIRGROUND FACILITY; COLLEGE USES HIGH SCHOOL—THE ENORMITY OF REBUILDING

(By James C. Tanner)

TOPEKA, KANS.—Parts of the roof and walls are missing from Cyrus Guthrie's corner grocery store. Canned goods and packages of detergents are strewn in front. Electricity is still off. Homes of most of the store's customers are heaps of debris. But groceryman Guthrie is open for business—almost as usual.

The Guthrie store, a concrete building in northeast Topeka, was wrecked by a tornado that killed 17 persons and left a $150 million scar across this state capital city of 130,000 last Wednesday evening. When the warning sirens sounded, Mr. Guthrie closed his store and headed for cover. Later he returned to the area to help haul out the injured and to spend a weary night at his battered store giving away flashlights from his stock to dazed and homeless neighbors.

By dawn the next day, Mr. Guthrie was out rounding up carpenters and scrambling for materials to patch up the store. Like most Topekans with property in the path of the storm, he had insurance, but not nearly enough. Mr. Guthrie had coverage of only $3,000, and he says he "threw away that much" in ruined vegetables and other perishables.

"It knocked me down, but I'm coming back," he vows.

Mr. Guthrie's determination demonstrates the resiliency a city struck by disaster can display. Although still digging out of the debris, most Topekans already are bouncing back from the most destructive act of nature in the state's history. Mobilizing quickly, the city began the process of getting back on its feet almost as soon as the funnel lifted.

FEDERAL AGENCIES ACTIVE

"Open for business" signs on boarded-up storefronts and propped-up walls are evident throughout the tornado's path. Cleanup crews working round the clock are rapidly clearing away tons of debris. Many businessmen and homeowners are already rebuilding. Hundreds of volunteers are pitching in to aid the tornado's victims, and Uncle Sam is lending a hand, too. President Johnson has declared Topeka a disaster area eligible for Federal aid, and Federal agencies are opening makeshift offices all over town.

It's very likely that some areas of Topeka—particularly in the blighted lower-income northeast section of the city—will emerge from the devastation of the tornado in better physical shape than they were in before. New housing and shopping areas are already being planned.

Moreover, the whirling winds of the storm had hardly died before city fathers were dusting off plans, dormant for a decade, to build an expressway from southwest to northeast Topeka. The route, as initially planned, ironically parallels the path of the tornado. Previously, the right-of-way was too expensive. "But that's all unimproved property now," says one city official. City emissaries are in Washington right now laying their proposals before Federal authorities.

PREPARING FOR DISASTER

Topeka probably has fared better than many other comparable-sized communities would if they were hit with a disaster of this magnitude. Living as they do in the heart of mid-America's "tornado alley," Topekans are no strangers to violent weather, even though until last week the city had never been hit by the full force of a tornado. Hail storms are common here. Also, Topeka out-

shines many a larger city in its elaborate preparations for disasters. Local officials take pride in a civil defense center located in the subbasement of a recently built courthouse. There, strategy had been mapped to cope with disasters ranging in size up to nuclear attacks on nearby Forbes Air Force Base. Moreover, Topeka's storm-warning system is second to none. "Weather watchers," mostly volunteers, are posted around the city in radio-equipped cars whenever tornado conditions exist, and special warning sirens sound in every section of the city whenever a twister is sighted visually or on radar.

But there are some lessons to be learned here. Many new homes built in Topeka in recent years had neither storm cellars nor basements, as evidenced by all the concrete slab foundations exposed to view today where houses crumbled when the tornado struck. Although the loss of life was relatively small because of the repeated visual sightings of the tornado and other warnings, injuries are estimated as high as 500. These casualties could have been sharply reduced if everyone had taken proper precautions, it's generally agreed. It's even being suggested that all new homes be required by city ordinance to have a basement.

Many Topekans concede they were slow to act when the sirens sounded last week because the warning blasts had already come several times this spring and nothing much had happened. Darold D. Main, chairman of the Board of the Shawnee County Commissioners, admits he was nonchalantly working at his desk on the second floor of the county courthouse while the sirens were wailing last week. He paid little attention until debris flying past his window sent him scurrying to the civil defense shelter three floors below.

Many Topekans also appear to have put more stock in an old Indian legend than in sirens. The legend had it that Topeka was immune to tornadoes because of a feature of its topography, specifically a hill southwest of town named Burnett's Mound after the Indian chief said to be buried there. The reasoning was that since tornadoes usually move in a northeasterly direction, the hill sat directly in the path that would normally be taken by a twister headed toward Topeka. The storms would break up at the mound, never touching Topeka—or so the story went until last week.

Just before sundown last Wednesday, weather watchers stationed atop Burnett's Mound sighted a funnel moving toward the city. It didn't stop at Burnett's Mound. It danced across the hill, smashed into Twilight Street on the southwest side of Topeka and then swept northeastward with what one witness says was "the roar of 100 trains" through the city's most heavily populated sectors. The boiling black cloud ripped a half-mile-wide swath for 10 miles, whipping hard by the Weather Bureau building at the airport on its way out of town and sending the meteorologists who had earlier ordered the sirens sounded diving for cover amid flying glass.

For many Topekans the situation has never been so grim. Many lost relatives and friends; hundreds lost their life's savings. The storm left 3,000 families homeless, destroyed 200 business firms, leveled most of the stately old structures on the Washburn University campus, destroyed other buildings, and nicked the State capitol. It also overturned buses and boxcars and sucked windows from buildings and autos three blocks away from the tornado's trail. Some Topeka debris later turned up 75 miles away.

A BIG JUNKYARD

Until the bulldozers got busy, much of Topeka resembled a giant automobile junkyard, with 8,000 to 10,000 cars in tangled heaps. "This is the most terrible thing that ever happened," says William Alexander, a retired businessman. Disaster experts are just now totaling up the damages. At city-owned Washburn University, losses that are described by President John W. Henderson as "the largest damage ever to any institution of higher learning" are expected to approach $10 million.

Wrecked business structures in Topeka are swarming with some 150 insurance estimators. The Santa Fe Railway has figured damage to its facilities here at $2 million. Southwestern Bell Telephone Co. estimates its losses at more than $1.3 million; 18,000 phones were out right after the storm. Local Dodge dealer Claude Shortman, who lost 275 automobiles (175 of them new) and a dozen trucks, says his damages will surpass $1 million. All told, some building experts believe, the ultimate loss tally could run double the early estimate of $150 million.

In one low-income area hit by the tornado, insurance won't cover more than 20% of the overall loss, according to city auditor Charles Holt. Henry A. Bubb, president of Capitol Federal Savings & Loan Association, which holds about 90% of the mortgages in two fashionable residential sections in southwest Topeka that were hard hit, estimates replacement costs in those neighborhoods will exceed insured value by at least 10%.

HELP FROM WASHINGTON

Also, it's generally agreed that replacement of demolished properties will take considerable time, both because of a scarcity of labor and today's tight money situation. "We ought to be able to rebuild Topeka within a year," says contractor Clyde Senne. But businessmen like Dodge dealer Shortman fear that financing probably may slow rebuilding.

The Small Business Administration has already set up offices here—it had more than 50 inquiries the first day—to make disaster loans to both homeowners and businessmen. Topeka banker R. C. Clevenger expects to be swamped with pleas for financing. He says a bookbinder telephoned him before the bank opened the morning after the tornado to ask for help in lining up a building in which he could relocate his devastated business.

Officials like Robert Jones, Shawnee County civil defense director, worry that Topekans don't realize the enormity of the rebuilding task ahead. Some fret, too, that the initial enthusiasm to clean up and restore the tornado-damaged areas may wane. "The real test will be where Topeka is at this time next year," says Capt. James F. Barker, who directs Salvation Army aid units that are gathered here from 24 Midwestern communities.

Efforts to clean up and achieve a semblance of normality did indeed move at a feverish pace in the days immediately after the tornado. A five-mile long caravan of trucks, many hauling heavy tractors, was rushed here by the Kansas City, Mo., parks department. Equipment from as far away as St. Louis and Houston was also sent, and offers of help arrived from around the country.

A Phoenix, Ariz., mobile home dealer pledged temporary housing for displaced Topekans. Kansas, Oklahoma and Nebraska Mennonites, carrying axes and other tools for cleaning debris, were on hand within eight hours after the storm; they are part of the Mennonite Disaster Service, an organization within the Mennonite Church.

VOLUNTEERS FLOCK TO HOSPITAL

State Rep. Robert Harder, who directs Topeka antipoverty programs and whose district makes up 40% of the damaged zone, is supervising up to 3,000 local volunteers in social and welfare work for the tornado victims. Disaster agencies such as the Red Cross are staffed with an abundance of local volunteer personnel. Mrs. Viola Remington, a supervisor at city-owned Stormont-Vail Hospital, where 150 injured were taken, says that within minutes after the arrival of the first patient, she had more voluntary help than she could use.

Even business firms directly hit by the storm did their part. Whelan Lumber Co. is located in the center of the path taken by the tornado. But two hours after the storm, workers had cleared away enough debris so that the firm could start selling plywood sheets to other disaster victims for boarding broken windows.

Within half an hour after the storm lifted, Fleming Co., a grocery wholesaler whose executive offices in downtown Topeka were heavily damaged, was aiding four local customers whose stores had been hit by the storm. Eight Fleming workers were dispatched to help them that night. In one case, Fleming trucked a grocer's merchandise from one store that had been heavily damaged to another that had been left intact. Kansas Power & Light Co., with $500,000 worth of damage of its own to worry about, is waiving June bills for all customers whose property was hit by the tornado.

Topeka obviously has a long way to go to recover from last week's catastrophe. But the speed with which some of the hardest-hit victims of the tornado have started to get back on their feet is impressive. By 9 a.m. of the morning after the storm, Dodge dealer Shortman had leased a building at the state fairgrounds. By noon, he was back in business with 30 cars hauled in from Kansas City. This past Monday Washburn University began its summer session on schedule, holding classes in a high school, and the college is laying plans to be back on campus by September.

FALLING MILK PRODUCTION MAKES HIGHER PRICE SUPPORT NOW IMPERATIVE

Mr. PROXMIRE. Mr. President, the production of milk in this country in May was the lowest it has been since 1940—26 years ago when the population was 131,669,275.

Production was 4 percent below May of 1965. For Wisconsin as the Nation's largest milk producer, production dropped a big 6 percent. For Illinois, Michigan, Minnesota, and Iowa the drop was 7 percent.

Mr. President, this should serve notice on the Secretary of Agriculture that the $3.50 support price which he set for milk last April 1 is grossly inadequate.

The law specifies that the Secretary shall set the support price at that level which will assure the American consumer of an adequate supply of milk.

With a rising population, with a greater affluence—and ability to afford this most nutritious of foods, with a greater knowledge of the importance of an adequate diet to good health it is clear that the milk production that was sufficient for a nation of 133 million in 1940 is far from enough for a far more prosperous nation of 195 million today.

The production of milk is going to be grossly insufficient to meet the Nation's needs unless the Secretary acts promptly to lift the support price to at least $4 a hundredweight and promptly.

THE ELECTIONS IN THE DOMINICAN REPUBLIC

Mr. INOUYE. Mr. President, recent free elections in the Dominican Republic are now a part of history.

I believe that many Americans were surprised when the results were in. Many of us believed, on the basis of widespread press reports, that the leftist forces would carry Juan Bosch to an early victory.

Such was not to be the case, however, and only this week Mr. Bosch finally conceded defeat.

Since the people of the Dominican Republic freely chose Joaquin Balaguer as their new President, perhaps it is time for some of us to reconsider our former views on the action taken by President Johnson in sending U.S. Marines into that country to protect American citizens on April 28, 1965.

An editorial by Newsday, the prominent suburban newspaper in Garden City, Long Island, N.Y., makes some interesting comments on the President's action in the light of subsequent events. If there are no objections, I ask that the editorial be printed in the RECORD.

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

THE PRESIDENT VINDICATED

On Wednesday April 28, 1965, President Johnson ordered Marines to land in the revolt-torn Dominican Republic "in order to give protection to hundreds of Americans . . . and to escort them safely back to this country."

When it became apparent that Communists and their sympathizers were seeking to exploit the revolution, and to transform the Dominican Republic into another Cuba, the President dispatched additional thousands of troops to insure stability and to pave the way for a freely-elected government.

The torrent of scorn, criticism and obloquy that descended upon Mr. Johnson needs to be remembered, nearly 14 months later, now that, our intervention is ending so happily and so calmly in the free, democratic election of Joaquin Balaguer as President of the Dominican Republic.

Sen. WAYNE MORSE, Democrat, of Oregon, who has become an unrelenting Johnson critic, wailed: "Have we lost our minds?" Sen. J. WILLIAM FULBRIGHT, Democrat, of Arkansas, chairman of the Senate Foreign Relations Committee, held a series of closed hearings that ended without the issuance of a formal report. Reason: The committee members split between those backing the President and those opposing him.

Nonetheless, Sen. FULBRIGHT took the floor (Sept. 15, 1965) to term the intervention a failure, largely because of bad advice given the President by his aides. He accused these advisers, in essence, of panicking because they accepted "exaggerated estimates of Communist influence in the rebel movement." He added: "the decision to land marines was based primarily on the fear of 'another Cuba' in Santo Domingo. This fear was based on fragmentary and inadequate advice."

The New York Times, from the beginning, took a negative attitude toward the intervention, in one editorial describing the Dominican situation as "a morass;" in another declaring that the United States had been "reduced to a role of impotence" in dealing with a Dominican military junta that sought to restore order; and in a third suggesting that "the revolution they (the Dominican people) now demand can perfectly well be achieved through the Alliance for Progress, so long as that genuinely revolutionary plan is applied vigorously to bring social justice to all Dominicans and not to a chosen few."

Those latter phrases are an echo of a July 1959 Times editorial referring to Fidel Castro's rise to power: "Cuba is beginning a social revolution of a drastic nature." The author of many Times editorials on Latin America is Herbert L. Matthews. As a reporter covering Castro before the latter came to power he created the picture of a dauntless revolutionary that deluded many Americans into ignoring Castro's obvious Communist bent.

Well, Cuba was not a social revolution, and neither was the Dominican Republic. The same Red hands guided them both. Fortunately, once bitten, twice shy. President Johnson took the proper action. The result is a government in the Dominican Republic elected under the strictest supervision, an election that every observer, including the American Socialist Norman Thomas, acknowledges was fair and free. The result will be change by evolution, which Americans support, rather than change by revolution, which Communists support.

The new regime in the Dominican Republic is now able, at long last, to proceed to bind up the wounds of that tortured country, which plunged from the dictatorship of Trujillo into a series of elections and finally an uprising. The President has been totally vindicated. His judgment was correct, his advisers were right, and he deserves the thanks of all Americans, those in Latin America as well as in our own country.

WASTE IN FEDERAL EXPENDITURES

Mr. MORTON. Mr. President, I have received a letter from the academic dean of Midway Junior College, Midway, Ky., pointing out a small but significant waste in Federal expenditures. I ask unanimous consent that the letter, together with the enclosed telegram, be printed at this point in the RECORD.

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

MIDWAY JUNIOR COLLEGE,
Midway, Ky., June 6, 1966.

Hon. THRUSTON B. MORTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORTON: Enclosed is a telegram (misaddressed) received at Midway Junior College last week. Apparently such telegrams were sent to all institutions of higher education throughout the country.

As you can easily see, the telegram approaches asininity taking approximately 135 words to convey an inconsequential message. This is a small, though lucid, example of the waste characterizing current federal bureaucratic procedures. Perhaps the opportunity will arise for Congressmen to voice their opinions.

With best wishes.

CONSTANTINE W. CURRIS,
Academic Dean.

WASHINGTON, D.C.,
May 27, 1966.

President ALBERT N. COX,
Midway Junior College,
Midway, Ky.:

President Johnson, last week, announced the launching of National Teacher Corps, a program which promises to open a new era of cooperation between the local education agencies, colleges, and universities, the States, and the Federal Government in assisting school districts to attack the educational problem of deprived youngsters. I am asking your assistance in this vital and innovative effort. Within the few next days you will be receiving a letter from the National Teacher Corps with information about the program and suggestions for what you can do during the next two weeks in providing information to potential applicants, explaining the goals of the program, and creating a climax of understanding in your community. I hope you can assist in this vital national effort and I welcome your report of any activity you will undertake. Thank you.

HUBERT H. HUMPHREY,
Vice President.

GIFT TO WAYNE STATE UNIVERSITY OF THE PAPERS OF THE LATE SENATOR PATRICK V. McNAMARA, OF MICHIGAN

Mr. HART. Mr. President, in the belief it will be of real interest to his colleagues, I ask unanimous consent that an announcement made last Friday by Wayne State University that it will be the depository of the papers of the late Senator Pat McNamara be made a part of the RECORD.

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

The papers of the late Senator Patrick V. McNamara have been given to Wayne State University, President William R. Keast announced today (Friday, June 3).

More than 1,500,000 items, including official documents and correspondence relating to the career of Senator McNamara who died April 30, are included in the gift. The period covered is from 1955 to 1966, the years McNamara served in the Senate. McNamara was a member of the University's governing body, then the Detroit Board of Education, from 1949 until his election to the U.S. Senate in 1954.

Included in the files are historical materials on federal highway programs, public works, the St. Lawrence Seaway, education, labor management relations, problems of the elderly, the War on Poverty, and civil rights.

As Chairman of the Senate Committee on Public Works and ranking majority member of the Labor and Public Welfare Committee, Senator McNamara played a key role in legislation enacted in these areas during the Kennedy and Johnson administrations. Also included is material on his work with the Senate Special Committee on the Aging, of which he was Chairman from 1961 to 1963.

In the files are letters from Presidents Kennedy and Johnson and his colleagues in the Senate and House of Representatives.

Dr. Philip P. Mason, archivist at Wayne State University, in accepting the gift from the Senator's widow, Mrs. Mary McNamara, said, "The files will be invaluable to historians studying the 1950's and the 1960's. The University is pleased that it was selected to house the collection. We hope that later we will receive installments of the Senator's papers relating to his important contributions to Detroit and Michigan before he entered the Senate. Included in this period is Senator McNamara's service as Detroit area rent director, as a member of the Detroit Common Council and as a member of the Detroit Board of Education."

The Senator's papers will be housed in the proposed Labor History Archives Building recently given to the University to honor Walter P. Reuther's 30 years of service to the United Automobile Workers.

Senator McNamara was born October 4, 1894 in North Weymouth, Mass. He attended Weymouth public schools and came to Detroit in 1920. He became active in civic and union affairs, while earning his living in the construction industry. For 20 years, he served as the unsalaried president of Pipefitters Local 636 (AFL).

In 1942, he was appointed Detroit Area Rent Director for the Office of Price Administration, serving in that capacity until the end of World War II.

At the time of his election to the Detroit Board of Education, the then Wayne University was a part of the Detroit school system. Senator McNamara participated in the early planning that eventually led to Wayne becoming a State University in 1956.

DISPLAYING THE FLAG

Mr. TOWER. Mr. President, I wish to call the attention of the Senate to the fact that yesterday, when the Senate was not in session, the Nation observed Flag Day. This is a day that has been set aside each year so that the country may pay its respects to the banner under which so many of our men have fought and are still fighting to preserve our Nation's freedom.

At this same time, Mr. President, I would like to again call for the Senate's consideration of my flag resolution, Senate Resolution 237, calling for a study of the proper way in which a flag should be displayed and the respect that it is due. There still exists a good deal of confusion as to what is proper concerning the flag and what is not. There is no better time to expedite this matter than at the time when it is being duly honored. Yesterday Americans all over the world took special note of "Old Glory." I call for us here in the Senate to soon do just that by considering Senate Resolution 237.

THAT WE MAY BELIEVE AGAIN

Mr. LONG of Missouri. Mr. President, the freedom-of-information bill—S. 1160—is now very close to becoming law. Recently, the House Government Operations Committee reported to the House of Representatives S. 1160, without amendment. It is my understanding that House action on this bill may come later this month.

The Mexico Evening Ledger, an award-winning Missouri paper, has recently made some interesting observations about the public's right to know. The Ledger points out that some Government employees and officials just do not want anyone to know about their mistakes. "That's understandable," says the editorial, "but not intelligent."

I ask unanimous consent to insert, at this point in the RECORD, the editorial from the May 19, 1966, issue of the Mexico Evening Ledger.

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

[From the Mexico Evening Ledger, May 19, 1966]

THAT WE MAY BELIEVE AGAIN

Why do some government employees and officials resist the public's right to know?

Because they don't want anyone to know about their mistakes.

That's understandable.

But not intelligent.

A vast majority of government employees and government officials do good work. Their mistakes are few—very few.

Further, the American people know government employees are people, too. They know nobody is perfect. They expect mistakes. They forgive mistakes . . .

. . . But what they won't forgive is not-knowing.

For by not-knowing, doubts arise.

And doubts are the steel and stone of no confidence.

The one impossible to tolerate condition in any government is a lack of confidence by the people.

Deny people full enough knowledge of what's going on in government and you have sown a crop of non-confidence.

That condition is growing today in our own government.

Here are a couple of samples:

Representative EDWARD HUTCHINSON, Republican, of Michigan, sent a questionnaire to 138,000 constituents and received nearly 14,000 replies. One question was: "Do you feel the Federal government gives the people reliable information on what it is doing?" The response was "Yes" 23.5 per cent, "No" 67.8 per cent, and no answer 8.7 per cent.

Representative CLARK MACGREGOR, Republican, of Minnesota, polled 130,000 families in his district, receiving over 18,000 answers. One question was: "Do you feel that the executive branch in Washington is providing adequate factual information to Congress and to the American people?" Answering "Yes" were 15 per cent, "No" 70 per cent, undecided or no answer 15 per cent.

Both these congressmen are Republicans so you expect a majority of their constituents to be antiadministration.

However, Democratic congressmen are also concerned by what is now called the "information gap" or "confidence gap."

Increasingly, our people are hearing about actions taken by our government, kept secret from the American people by our government, and announced later by a foreign government.

Further, increasingly, the tricks and techniques of public relations are being used by our government on our people.

When used properly, such techniques help us be better informed. When misused, the result is that we know less and a feeling of less confidence grows.

James Reston of the New York Times made a speech the other day on the subject.

He said that if we newspapermen were as good as we should be in covering our government, "it could help us believe again."

It could.

And the strange part of it is that our government is the best in the world; our government employees now and in the past are basically excellent; our present administration is good to excellent . . .

And yet, there continues to be a tendency to control or suppress too much news.

That is indeed a serious mistake.

THE TRANSFER OF THE FEDERAL WATER POLLUTION CONTROL ADMINISTRATION TO THE INTERIOR DEPARTMENT

Mr. MUSKIE. Mr. President, several of my colleagues and I were concerned that the national program for abating water pollution would be retarded, temporarily at least, by the transfer of the new Federal Water Pollution Control Administration from the Department of Health, Education, and Welfare to the Department of Interior.

While it is too early to determine whether our fears were justified, I was encouraged to read in the May 15 issue of Environmental Health Letter that Interior Secretary Stewart Udall is optimistic about the new administration in his Department.

Mr. Gershon W. Fishbein, publisher of the Environmental Health Letter, reported:

Udall had a ready answer for those who complain that the loss of key PHS Commissioned Corps personnel will mean a serious setback in the water pollution program. Not so, he said. While recognizing the serious loss of some experienced PHS water scientists, Udall pointed out that some of his own people in U.S. Geological Survey, Fish and Wildlife and Bureau of Reclamation and Bureau of Mines are no strangers to some specialized aspects of water pollution control and could be transferred to make up any temporary personnel deficits.

Mr. Fishbein also discussed other aspects of the administration transfer. I ask unanimous consent that Mr. Fishbein's article appear in the RECORD at this time.

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

FOUR NEW WATER POLLUTION ABATEMENT CASES IN THE WORKS

The Federal Water Pollution Control Administration, newly installed in the Interior Department, is quietly working up four new pollution abatement cases, Environmental Health Letter has learned. The cases, which may be announced shortly, involve:

The Delaware River, concentrating on the Philadelphia-Camden area; Lake Tahoe, involving California and Nevada; Housatonic River (Connecticut-Massachusetts) and Chattahoochee (Florida, Georgia, Alabama).

They would be the first interstate cases to be undertaken formally by the Interior Department, although all have been under study for some time in HEW. In one of his last acts before surrendering the water pollution control program, HEW Secretary Gardner formally recommended that Minnesota and North Dakota water control agencies accelerate their efforts to abate pollution in the Red River of the North.

Interior Secretary Udall welcomed the new water pollution control administration at a May 10 news conference and a small reception in his office the same evening. Udall, a politician-a-go-go, has ample reason for the welcome. The new water administration automatically became the biggest component of Interior's budget, swelling it by more than $350,000,000. The entire Interior Dept. budget, without the water pollution program, is only about $1.5 billion, or slightly more than the budget of NIH, which is only one component of one agency of one agency. The HEW budget, by contrast, is about $10 billion.

Udall had a ready answer for those who complain that the loss of key PHS Commissioned Corps personnel will mean a serious setback in the water pollution control program. Not so, he said. While recognizing the seriousness of the loss of some experienced PHS water scientists, Udall pointed out that some of his own people in U.S. Geological Survey, Fish and Wildlife and Bureau of Reclamation and Bureau of Mines are no strangers to some specialized aspects of water pollution control and could be transferred to make up any temporary personnel deficits.

In outlook and concept, the water pollution transfer also changed Interior's image, rightly or wrongly, from a western-oriented regional agency which paternally encouraged Indian industry, kept the national parks in good shape, built some dams and made life

easier for fish. "The western label is off," proclaimed Udall—and he is right.

Taking over water pollution control puts the agency in New York, Boston, Philadelphia, Cleveland, and Chicago. This has been Udall's goal for some time in the transformation of Interior from a regional to a national agency, from a rural to an urban department. Scientists of Interior's many constituent programs have for many years found a common dialogue with the water specialists of PHS; Udall encouraged the dialogue while he went about the task of pushing the agency into the cities, where the people live and vote. Thus, what started out as a courtship of scientific convenience has developed into a marriage of political necessity.

Note: The end of the water pollution reshuffling may not be in sight yet. Interior is considering an internal reorganization plan which would combine the water pollution administration, Office of Water Resources Research and Office of Saline Water under one Assistant Secretary.

VICE PRESIDENT HUMPHREY SPEAKS TO MAYORS ON CITIES OF THE *FUTURE*

Mr. YARBOROUGH. Mr. President, on Monday, June 13, Vice President HUBERT H. HUMPHREY spoke to the U.S. Conference of Mayors meeting in Dallas, Tex. His remarks to the conference are important, and they gain added importance when we remember his ability to deal with urban problems during his days as mayor of Minneapolis. In his remarks, the Vice President talked of the breakthroughs in national programs which will help the American city. He devoted the main portion of his remarks to the demonstration cities bill, urging the mayors to support that worthwhile legislation as a device for combatting "slumism." The demonstration cities bill would provide a broad array of Federal programs to help rebuild central and slum areas of our cities, of all sizes. As the Vice President points out, the greatest beneficiaries would be smaller communities.

Mr. President, I ask unanimous consent to insert this fine speech by Vice President HUMPHREY at this point in the RECORD.

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

REMARKS OF VICE PRESIDENT HUBERT HUMPHREY AT THE U.S. CONFERENCE OF MAYORS, DALLAS, TEX., JUNE 13, 1966

My fellow Mayors, I am here to carry coals to Newcastle. I am going to talk about our cities and their problems.

You live with those problems 24 hours a day, as I did when I was Mayor of Minneapolis—and as I still do, as a matter of fact, as the President's liaison with local government.

I need not tell you that this is a time of ferment in our cities. It is a time when demands are made on you—demands for services which most of you don't have enough tax revenues to pay for.

No single community can meet these demands alone and without help. That is why there are more than 50 major programs of federal assistance to local government. During this fiscal year there will be a total of 13.6 billion dollars in federal aid payments to state and local units.

The Housing and Urban Development Act of 1965, passed by this Congress and signed into law by President Johnson, is designed to help meet the needs of our nation's mayors.

This Act established the Department of Housing and Urban Development—putting in the President's Cabinet a spokesman for the needs of the majority of Americans who live in cities.

Beyond establishment of the new Department, these past two years have been a time of breakthroughs—new laws and new national commitments in education, in housing, in transportation, in health, in social welfare . . . in the war against poverty . . . in beautification . . . in support of artistic and cultural progress . . . in our efforts for cleaner air and water . . . in our search for continued economic growth and prosperity—all benefiting the American city.

I will take the full measure of credit for the Johnson-Humphrey Administration. But I give credit, too, to the American people—and the people who lead them in their communities—for asking for and supporting these things.

We can take pride in our national investments in self-help, in enterprise, in opportunity, in social justice and social welfare.

We can take satisfaction in our more than 700-billion-dollar economy.

We can be proud of not only the quantitative change, but of the qualitative change as well. For who will deny that America today is a freer, happier nation that it was even last year, or last month.

But none of us can say that all is right with America.

Despite our prosperity, more than 30 million Americans suffer degrading poverty.

Despite our laws and our national commitment, many Americans do not enjoy full first-class citizenship—because of their skin color, their religion, their last name, or the place they come from.

Despite our housing and urban development, and education and health programs, large parts of America's cities are not fit for daily life.

The enemy today within our gates is "slumism."

Slumism is poverty . . . illiteracy . . . disease. Slumism is discrimination and frustration and bitterness.

Slumism is ungathered garbage and dilapidated buildings. Slumism is a family of eight in an unheated room. Slumism is danger on the stair and violence in the street,

Slumism is rent so high a desperate man is moved to tears, or crime. Slumism is the pent-up anger of people living on the outside of affluence.

Slumism is decay of structure and deterioration of the human spirit.

Slumism is a virus which spreads through the body politic.

As other "isms", it breeds disorder and demagoguery and hate.

We must make our declaration of war against slumism. It is a war in which all of us must enlist and our goal can be nothing less than total victory.

We have the resources—in know-how, in manpower, in capacity—to abolish the scourge of slumism. And we have the will to do it.

If we are to defeat slumism, we will need breadth of thinking and of action.

And this is what the President has proposed—and what the Congress is now considering—in the Demonstration Cities Bill.

I ask your active support for this Bill.

In this Bill, we have called for action to rebuild completely, on a scale never before attempted, entire central and slum areas of our cities.

The provisions of the Demonstration Cities Bill would meet problems of slums and blighted areas in which over four million families live in conditions that violate decent housing standards and exact a high toll in human suffering and in cost to their communities.

This is an exciting program. It aims at human as well as physical renewal.

In addition to adequate housing at low and moderate costs, it would provide for public facilities and education, health, and social services needed to help people in slum areas to become useful, productive citizens able to participate fully in community life.

The complete array of existing federal grant and urban aid programs in the fields of housing, renewal, transportation, education, welfare, economic opportunity, and related programs would be available to achieve the objectives of the demonstration program.

The initiative and solution for local problems would have to come from you.

You would have to be willing and able to undertake the actions and responsibilities required of such a program.

The federal role would be one of support for your community's activities. We would help with funds to pay for your costs of planning and developing demonstration programs, and would make available—worked out by a special formula—supplemental grants to pay 100 per cent of the cost of any type of activity approved under the Demonstration Cities program.

The program would mean a substantial increment of new money for the city. It would mean that, in addition to the regular federal program funds, special federal grants would be extended to Demonstration areas. They would not supplant funds for existing programs, nor would they be siphoned away from other federal programs elsewhere.

And I want to emphasize that the benefits of the program would be available to *all* cities with plans which show they are ready to go ahead with a full-scale attack on the slum problem. *There is no estimated limit on the number of cities which may participate.*

It is an odd paradox—not unknown, I might say, in politics that the misgivings some people have raised about this Demonstration Cities program are not based on the thought that it is a bad program—but that it is a good one.

The fears seem to be that it isn't big enough . . . that everyone can't get in on it right off the bat . . . or that only big cities have a chance . . . or that the funds promised in the bill will cancel out or curtail programs we already have underway.

I think we ought to clear away some of those myths, and straighten a few things out. It is a good program—agreed. It is a challenging and dramatic program.

Our big cities need it and can use it. But the greatest beneficiaries may well be our smaller communities, for they have already shown great interest in its use. This program will have no lower limit on size—and in the case of smaller towns, it could be that such a program will virtually eliminate the entire problem of blight.

As to the size of this program: Its size will be determined not by any figures or numbers game resulting from academic debate. It will be determined by the cities themselves.

As cities are ready and able to move forward on their own front to capitalize and put to work all these aids in a concentrated way, federal support will be available.

But this is not "instant slum clearance."

It is a continuing program that begins with large-scale planning, continuous action, and social as well as economic rehabilitation.

Let's get this program started. Then we can measure our rate of expansion by your readiness to put these demonstrations into large-scale operation.

This is not a proposal to cancel or curtail anything that is now being done. It is a

proposal to expand and augment what we are already doing.

All of the programs now operating—in urban renewal, housing, the poverty field, public facilities—will continue to operate at their full levels.

The Demonstration Cities Bill offers an added source of federal funds to expand and magnify the effects of the programs we have thus far developed.

Furthermore, these additional funds are 100 per cent grants. They can be used for any purpose consistent with the Demonstration Area program.

In short, the Demonstration Cities program is a program to help you do far more, to do it better and more effectively than you have been doing. With this legislation, every mayor can raise his sights and enlarge his field of action for the needs of the areas and the people that today are his most difficult problems.

What we ask of you is that you be willing to commit fully your local energies and resources to a program that will have widespread and profound effects on the physical and social structure of your city.

There is no question about our *ability* to achieve our goals. There should be no question about our *willingness* to commit ourselves to their achievement.

THE CLEAN AIR ACT

Mr. MUSKIE. Mr. President, the May issue of the Journal of the Air Pollution Control Association includes an authoritative article on the development of the Clean Air Act of 1963 and its amendments last year. The author is Mr. William H. Megonnell, deputy chief of the Abatement Branch, Division of Air Pollution, Public Health Service.

Mr. Megonnell records the history of Federal air pollution control legislation, beginning in 1955 when dirty air was viewed simply as a technical challenge.

He traces the changes in social and political philosophy toward air pollution, describing how the Clean Air Act reflects a growing national concern about the problem and a stronger national will to abate it.

Mr. Megonnell outlines the development of the abatement policies established in the Clean Air Act, and reports in layman's language how the policies are to be implemented.

Mr. President, my Subcommittee on Air and Water Pollution is now conducting hearings on air pollution control proposals, and exploring new pollution problems. When the subcommittee makes its report, Mr. Megonnell's article will be an excellent source for orientation on what we have done, are doing, and hope to do to prevent and control air pollution. I ask unanimous consent that the article appear in the RECORD at this time.

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

[From the Journal of the Air Pollution Control Association, May 1966]

DEVELOPING ABATEMENT POLICIES UNDER THE CLEAN AIR ACT

(By William H. Megonnell, Deputy Chief, Abatement Branch, Division of Air Pollution, Public Health Service, Department of Health, Education, and Welfare)

(NOTE.—Presented October 26, 1965, at the Fourth Conference on Air Pollution Control, Purdue University, Lafayette, Indiana.)

At the beginning of the federal program in 1955, air pollution was viewed as a technical challenge. While technical problems remain, emphasis is shifting toward the social challenge. The degree of federal assistance now available to states and municipalities, under the Clean Air Act, is of broadened scope and higher order of magnitude; it is not confined to technical considerations, but has been expanded to take cognizance of political and economic obstacles that often block the path toward better air pollution control.

Although I have been asked specifically to speak of abatement policies under the Clean Air Act, it would be difficult and misleading to consider the abatement provisions apart from the rest of the Act. The Clean Air Act delineates a comprehensive Federal program, which is part of an overall national effort to solve the air pollution problem. Therefore, I should like to present, very briefly, the Federal policy in relation to the general subject of air pollution and its control.

This policy is not contained in any single document, pronouncement or set of principles; instead, it has evolved over the years as the result of statements and actions involving the executive, legislative and judicial branches of the federal government. Far from being stable and firmly established, it is and must be dynamic; changes can be expected in response to and anticipation of new problems. Fundamentally, however, one thing is clear: the federal government is firmly committed to performing significant functions in the necessary air pollution control effort.

The Clean Air Act, like any law, is a manifestation of public policy. It is based not on suppositions, but on these documented and irrefutable facts: (1) air pollution has grown, through neglect, to become a national problem which seriously threatens health and welfare; (2) predictions indicate that the problem will increase alarmingly; (3) prevention and control knowledge, while far from perfect, is adequate to cope with most air pollution problems; (4) efforts to deal with air pollution have not kept pace with its proliferation; and (5) there are appropriate roles for all levels of government and all segments of society in solving the problem.

In 1955, the first federal air pollution act established the important congressional policy that primary responsibility for prevention and control rests with state and local agencies; and the federal program was limited to research, technical assistance, and training. Activities under that law brought into sharp focus many technical aspects of the air pollution problem. The inadequacy of state and local enforcement efforts was revealed, particularly in cases of interjurisdictional pollution. There were few regional programs and no interstate ones. These findings heightened public and official concern and led to increased demands for enforcement action.

Congress responded with positive and resolute legislation and President Johnson approved the Clean Air Act on December 17, 1963.

Careful reading of the Act suggests that its framers sought ways to promote the development and expansion of strong and capable state, regional and local control agencies. One can see in the Act no intent that the federal government would assume responsibility either for underwriting the cost of air pollution control, throughout the nation or for rectifying all the deficiencies caused by long neglect of the problem. It is noteworthy that the 1963 Act retains congressional policy that responsibility for air pollution prevention and control rests primarily with state and local agencies. Essentiality of federal assistance and leadership is acknowledged in the preamble, however, and the means for implementation were broadened and strengthened. Research, training, and technical assistance responsibilities were expanded; grants-in-aid were authorized for local, regional, and state air pollution control programs; additional attention specifically was directed to the major problems of motor vehicle exhaust and sulfurous fuels; the policy of exemplary air pollution control at federal installations was reiterated; and, for the first time, legal authority was included for federal abatement of specific air pollution problems.

At first glance, the abatement provisions may appear to go counter to the declaration of policy which encourages state, local, and regional control programs. A more penetrating analysis, however, will show that a byproduct of federal abatement authority will be to stimulate and supplement, rather than to discourage or supplant, state and local action. Anybody who considers the abatement provisions in the Clean Air Act a bold attempt improperly to interject the federal government into matters of state and local concern simply has not taken time to study the law.

Federal abatement powers are intended to fill two important enforcement gaps by providing (*1*) a means for dealing with interstate problems that are difficult and sometimes impossible to solve by remedies available to a single state, and (*2*) a means for dealing with intrastate problems that may be beyond the resources available to state and local authorities. The federal government can become involved in intrastate pollution problems only on the request or concurrence of state officials, as designated in the Act. In cases of interstate pollution, federal action may be initiated directly by the Secretary of Health, Education, and Welfare or on request. Abatement procedures include four major steps: (*1*) consultation with states, (*2*) conference with all affected air pollution control agencies, (*3*) public hearings, and (*4*) court action. Minimum time periods are specified between each step. At any point in the procedure, federal action may be terminated if it is found that the problem has been corrected or that effective abatement progress is being made.

The Clean Air Act has 14 sections, but more than one-third of its text is devoted to spelling out clearly and distinctly in Section 5 when and how the federal government can become involved in abatement and the procedures that must be followed. When viewed on a flow chart, it presents a tortuous path indeed from recognition to solution of a problem. This great involvement of the Congress in administrative detail probably was quite intentional. The abatement provisions may go as far toward stimulating state and local action as the research, technical assistance and financial provisions of the Act. The Department of Health, Education, and Welfare's abatement authority cannot hinder, but certainly can help, those state and local agencies that desire to do a conscientious and effective control job.

The Division of Air Pollution always has held the view, generally accepted by all interests, that air pollution control is best accomplished at the lowest level of government capable of coping with the problems in its entirety. We believe it was Congress' hope that state, local, and regional agencies, aided by the Clean Air Act's other incentives, would accept this responsibility and preclude the necessity of federal action. Based on past performance, however, we would be less than realistic if we failed to prepare for full implementation of the abatement authority; although it has taken time to staff and equip the Abatement Branch, I assure you we do intend to carry out this responsibility

as effectively as possible. Mr. S. Smith Griswold, who for more than a decade directed the world's most dynamic air pollution control program in Los Angeles County, California, assumed the position as Chief of the Abatement Branch on October 4, 1965.

We have no way of foreseeing exactly where or when federal abatement action may become necessary, but locations of major potential interstate air pollution situations are not difficult to predict. Examination of a *United States* map will disclose that there are some 70 large metropolitan areas that cross or abut states lines; the 63,000,000 Americans living in these areas—one-third of the country's population—have no direct legal control over air pollution reaching them from another state and are literally powerless to protect themselves.

For varying reasons, the ballot box, mandamus power, and private suits have not been practicable or adequate for this purpose.

It should come as no surprise that we have been gathering pertinent background information from available sources on each of these areas. Such information sources include, for example: censuses of population, housing, manufacturing, business and government; *industrial* and utility directories; fuel-use surveys; climatological and meteorological summaries; air sampling results and air pollution studies; newsclips and complaint files; and reports on state and local air pollution control laws, staffs, budgets and enforcement activities.

Such preliminary screening is of value in assessing the relative potential need for interstate abatement action, but it is by no means adequate to supply the information necessary to substantiate federal involvement. At some point prior to initiation of formal abatement action, it is necessary to gather on-site intelligence to establish that air pollution is moving interstate and is endangering health or welfare.

Hence, as resources permit, we are beginning to undertake field work in selected areas. We are doing it openly, with the full knowledge of the states and municipalities concerned in each case and, whenever they are willing and able, with their co-operation. But with or without state co-operation or sanction, there is a federal responsibility under the Clean Air Act to maintain surveillance in those areas which potentially might have interstate air pollution problems.

It is necessary, of course, to establish priorities and schedules for such work so that it can be done in an orderly fashion compatible with our staff and facilities. This is not to say that priorities cannot be upset and schedules disrupted. The government, in fact, has little control over the location, timing, and number of possible abatement actions. When requested by proper state authorities, the law makes it mandatory that the Secretary proceed to the conference stage. Thus, a requested actions takes priority over other planned activities, and scheduling of personnel and facilities must be flexible.

Before the Secretary of Health, Education, and Welfare may initiate abatement action, he must have reason to believe that pollution originating in one state is endangering the health or welfare of persons in another state. Hence, our surveys and studies are aimed directly at investigation of these aspects.

Presence of pollutants in an atmosphere, interstate movement of pollutants, esthetic effects and economic impact on vegetation and materials can be demonstrated conclusively, and relatively easily, by carefully conducted field studies and data analysis. Much of our initial investigatory work, therefore, consists of aerometric and meteorological sampling, photography, examination of property and indigenous vegetation, and experimental exposure of various materials to the atmosphere.

Danger to human health can be demonstrated by methods, such as these: comparison of detected pollution levels with research findings regarding adverse health effects; epidemiological studies to investigate morbidity and mortality rates for certain diseases; interviews with local physicians, medical societies and health agencies; and opinion surveys to establish the public's state of mind regarding their reactions to pollution. Properly conducted public opinion surveys have been accepted by the courts, and they are particularly useful in air pollution problems such as those involving subjective response to odors.

In our advanced society, it should not be necessary to drag a dead body through the streets to demonstrate danger to health. There already is enough evidence to convince reasonable people that longterm exposure to low levels of air pollution contributes to and aggravates certain disease conditions; but it may be several generations before science will produce conclusive knowledge which shows, to everyone's satisfaction, that lower-than-lethal levels of pollution produce adverse health effects. The knowledge then would be of little use, for the damage will have been done.

Conditions which infringe on the maximum attainment of physical, emotional, and mental well-being rightly should be considered detrimental to health and welfare. Thus, air pollution which interferes with sleep, food consumption, water intake, relaxation, recreation, comfort, enjoyment and other sensibilities, even purely esthetic ones, endangers health and welfare.

Definition of an interstate air pollution problem does not, by any means, delineate the measures required for its control. Responsible sources must be located and their relative contribution to the problem determined before adequate remedial measures can be recommended. In large urban areas, which are densely populated, highly commercialized, heavily industrialized, this can be a complex undertaking.

Fortunately, Congress included in the Clean Air Act a method to facilitate the gathering of information on source contributions. In connection with any abatement conference, the Secretary of Health, Education, and Welfare may require a report of emissions and controls, based on existing data, from any person whose activities cause or contribute to the air pollution. Effectiveness of this provision is being tested in connection with two pending abatement actions. If experience shows that the report requirement does not yield desired information, alternate methods undoubtedly will be sought, such as right of entry to private property for purposes of inspection and testing.

As you who follow Congressional activities must realize, the Clean Air Act of 1963 was not considered the ultimate tool—or weapon, if you prefer—for helping to clear the air; rather, as Senator MUSKIE, Chairman of the Special Subcommittee on Air and Water Pollution, so aptly said at the time of the Act's passage: "It is a fresh beginning." Congress has not relaxed its surveillance, but it continues to seek ways to make the federal effort more comprehensive and effective.

On October 20, President Johnson approved Public Law 89-272, which amends the Clean Air Act in several important ways. It extends the present abatement responsibilities to cases of international air pollution and adds certain preventive authorities to the federal program.

In passing these amendments, the Congress was responding to the President's 1965 State of the Union message in which he said: "We will seek legal power to prevent pollution of our air and water before it happens." Prevention is the keynote of air pollution control. After-the-fact correction of air pollution makes no more sense than relying solely on treatment of illness as a public-health measure. Controls always can be built into a process or system more cheaply than they can be added later. The main obstacles frequently are tradition and resignation, based on nothing more logical than a belief that nothing can or should be done simply because it has not been done in the past.

Public Law 89-272, provides for federal standards applicable to motor-vehicle emissions. Surely, if there is a ubiquitous source of air pollution calling logically for federal control, it is the motor vehicle. Photochemical smog, first noted in California, is a growing problem throughout the nation; but individual requirements of different states and localities would create havoc in the mass-production automobile industry.

Although the law specifies no effective date, the Department of Health, Education, and Welfare has stated that it will promulgate regulations to become applicable to gasoline-powered vehicles no later than September 1, 1967 (the 1968-model year), which date was specified in the original Senate version of the bill.

The new law also requires the Department to accelerate research relating to (*1*) the control of hydrocarbons lost through evaporation of gasoline from carburetors and fuel tanks, (*2*) the control of oxides of nitrogen and aldehydes from both gasoline- and diesel-powered vehicles, and (*3*) the development of improved low-cost techniques to reduce emission of sulfur oxides from fuels.

Another provision of the new Act permits the Secretary to call a conference if, in his judgment, a potential problem of substantial significance may result from discharges to the atmosphere. Findings and recommendations resulting from such conferences, although advisory in nature, shall be admissible into the record of any abatement proceedings subsequently deemed necessary. It is not our intention to employ this authority in areas where existing programs devote sufficient and effective attention to prevention of air pollution. There are, however, three types of situations in which it could logically and profitably be invoked: (*1*) when a large source is to be built in an area with no, or an inadequate, air pollution control agency; (*2*) when an interstate air pollution problem is likely to result if preventive measures are not taken; and (*3*) when a new technological development may alter, on a large scale, traditional production methods and air pollution emissions from a certain industry.

In summary, it can be seen that the Clean Air Act is having profound effects on many of us who are directly Concerned with the air pollution problem. Not so obvious, perhaps, is the influence that others concerned with air pollution, in both public and private sectors of society, are having and will have on the future course of federal activity in this field. The federal program is changing because the public through their congressional representatives, are expressing a desire for changes such as reflected in the recent amendments to the Clean Air Act.

At the beginning of the federal program in 1955, air pollution was viewed as a technical challenge. While technical problems remain, emphasis is shifting toward the social challenge. The degree of federal assistance now available to states and municipalities, under the Clean Air Act, is of broadened scope and higher order of magnitude; it is not confined to technical considerations, but has been expanded to take cognizance of political and economic obstacles that often block the path toward better air pollution control.

Although implementation of the air pollution abatement authority has been gradual—because of delay in appropriations, recruiting and training staff, obtaining facilities and equipment, and gathering necessary background information—a vigorous and aggressive program is beginning. The problem of air pollution has grown through apathy and neglect. Its correction demands dynamic and forceful action. The Clean Air Act and its recent amendments are designed not only to halt the growth of this social evil, but to restore, to the extent possible, the quality of air which existed in the early days of this nation. The Division of Air Pollution is preparing to carry out its abatement and prevention responsibilities as part of that corrective effort.

CONTAINERIZATION

Mr. INOUYE. Mr. President, containerization—the shipment of a variety of freight in huge boxes which can be handled with ease—is one of the most exciting developments in the field of international commerce.

One of the forerunners in the development of the revolutionary containerization concept is the Matson Navigation Co., of San Francisco, Calif., which has served Hawaii for many years.

On the occasion of the Maritime Day celebration symposium at the general accounting office building May 26, Mr. Norman Scott, executive vice president of the Matson Navigation Co., gave a paper entitled "Containerization, 1986."

I believe that my colleagues will find Mr. Scott's look into the future a view with exciting prospects both for our Nation and the entire field of international commerce.

If there are no objections, I respectfully request that Mr. Scott's remarks be printed in the RECORD.

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

CONTAINERIZATION, 1986

(By Norman Scott, executive vice president, Matson Navigation Co.)

That title sounds a bit Orwellian—but this brief look into one aspect of the transportation industry 20 years hence is not designed along such lines.

I will sketch a picture of our industry in the 1980s, pointing out a major problem area that must be met head-on now if we are to progress at the rate we should.

We all know that the transportation industry—on the sea, on the land and in the air—has made tremendous strides in the past 20 years. And within the industry it has been a period of progress for ocean shipping after years of doldrums as far as new developments were concerned.

Those big "boxes" are still revolutionizing transportation. More and more steamship, airline and rail and truck carriers all over the world are going into containerized operations. It has reached a point where a shipping company carrying general cargo almost *has* to provide a container service to stay even with its competitors. For ocean transportation, containerization represents as dramatic a change as did the advent of steam 150 years ago.

So it is safe to predict that progress in the next 20 years will be even more impressive and exciting than the past 20 years with containerization developments going full ahead on many fronts at the same time—in trucking, the railroads and airlines, as well as the ocean carriers.

It takes no crystal-gazer to see what lies ahead. Many of the tools and much of the know-how exist today waiting to be assembled and put to work for a new era of transportation.

Containerization, 1986, will go hand in glove with "6th or 7th generation computers". It will be an era of faster ships, possibly nuclear-powered, much more automated than at present and probably larger. Terminals, too, will be modernized, with cranes and other cargo handling machinery moving containers swiftly and easily from shore to ship and ship to shore controlled by computers. Shipyards will have to be highly automated.

Also in prospect are such exotic items as large hydro-foil vessels; submarine tankers; "winged-hull" or hover craft and ground-effect machines, which skim over the water on a cushion of air at 200 knots with hundreds of tons of cargo or hundreds of passengers. Perhaps there will be cargo-laden missiles. Nobody views any of these things as pipe dreams any longer; not after what has happened in space and on sea and land since World War II.

Put all this glamorous hardware into operation and it looks as though we have it made. But to complete the picture and make it all work for maximum benefit to the ultimate consumer will require the creation and application of comprehensive systems concepts to develop maximum effectiveness of total distribution.

Consider the world demand for consumer goods by 1986 in light of population growth and standard of living increases in progress today. More people need more things and will be demanding more all the time. That means more and, hopefully, better transportation geared to the jet and atomic age, rather than the era of the "Model T" and the 5-cent streetcar fare.

What will be needed is a fully coordinated physical systems concept designed to provide total distribution of the lowest over-all cost consistent with service requirements to the ultimate consumer.

Containerization has great potential, but to yield its greatest benefits, it requires an integrated system. Such a system from a shipper's point of view would comprehend production scheduling, inventory control, insurance, storage, damage prevention and customer service and marketing. The tie-in, of course, must be complete between ocean carriers and rail, truck and air carriers to provide a system with this capability.

Unless containerization 20 years from now is part of a fully-integrated system, bottlenecks, red tape and inefficiency will inhibit much of the economic progress of the nation's and, for that matter, the world's transportation systems.

Achievement will be difficult but not impossible—provided that we start now to exercise "management technology" in a statesman-like way to solve such problems as competition between modes, standardization, the sociological questions of the impact of new techniques on the labor force, regulatory rigidity, the complications of tariffs, more realistic rate making, the political implications inherent in each phase, each regional requirement.

By pointing out some of the more critical problems we can start to solve some of them to pave the way for the shiny, new concept of "containerization—1986"—and realize its potential.

I have identified "management technology" as the key to these problems. And by management, I mean the management of government and labor as well as industry—it is everyone's concern. The challenge will be to achieve an environment by 1986 which will permit full realization of the remarkable "hardware technology" that is already on the drawing boards and in the memory banks of the computers. The hardware development potential, or the physical systems capability, *already exceeds* our management ability to utilize it fully.

My thesis and, if you will, my "message", is that to an even greater extent, we face a need to match "management technology" with the "hardware technology" capability we will possess by 1986.

Among the specific areas demanding attention today to be where we should be 20 years hence are the legal, regulatory, sociological and political ramifications, each a vital part of the complete transportation picture.

Most of our present laws affecting transportation were written when physical systems capabilities were either not thought of or in the early stages of development. They were not designed to encourage or even cope with the creation of systems that can now be physically established and operated. I refer, of course, to a much broader spectrum of transportation than ocean cargo container systems. And this points up the critical nature of the legal aspects confronting the industry in the years ahead. We must have laws that are based on today's, and tomorrow's, physical systems potentials.

For example, the container system as we know it today basically uses a single mode of transportation. Inter-modal use is still in its infancy. To accelerate the growth of maximum efficiency systems, legislation is required to encourage efficient inter-modal operations by permitting single ownership of inter-modal facilities by development or acquisition. As a minimum, the law should encourage streamlining physical operations by simplifying the development and administration of single factor rates. The legislation should provide for a single, independent regulatory agency having jurisdiction over all modes of integrated transportation. And finally, some deregulation is essential if multi-modal transportation is to keep pace with the international demands of our industrial society where rapid change is the order of the day.

Our regulatory processes, some of which date back to the 19th century, need a thorough overhaul. We simply can't continue to be hamstrung by them in the 1980s. As mentioned, reaction time must be reduced. Present regulatory practices are too slow and cumbersome and more *critically*, they are increasingly usurping management functions.

Besides carrier regulation and tariff administration, there are customs regulations, documentation procedures and operational safety administration to be considered.

These activities should be brought into step with the times to foster the development and to meet the future requirements of the most efficient physical systems that can be assembled.

It is equally vital that rates and tariffs be simplified. The volume and complexities of today's rail and truck, and even ocean, tariffs are unnecessary road-blocks to the development of inter-modal and multi-modal cargo movements. The trend toward per-container rates should be encouraged. It is an economically logical process, which will materially simplify development of inter-modal systems. In the same regard, rate-making procedures should be primarily based on costs rather than the value of service or other bases.

Here again, the evolution of a management technology in the field of regulatory affairs is needed. It seems obvious that if

changes are not made, the growth of containerization will be retarded by red tape before the 1980's. "Management technology" must be a moving force in developing new ideas and shaping the future form of regulations that will foster maximum efficiency systems.

Now let's consider the sociological implications of our transportation preview of 1986. There are, I submit, three major categories that urgently require application of new management technology:

First is the all-important field of labor-management relations. Labor and management share a mutual responsibility to develop an equitable method o- program to handle personnel adjustments resulting from automation and other applications of new technologies and equipment. In transportation, management and labor should be able to evolve satisfactory solutions through collective bargaining, even though they have had their troubles down through the years. Both have been criticized for tie-ups and public inconvenience. The maritime industry, in particular, has been through some rugged times in the mid-30's and postwar period. But there are definite signs of better understanding by both labor and management of the myriad problems that lie ahead, and of the need to work together to solve them. Ideally, new systems, new hardware and new ideas will create new jobs but there are bound to be dislocations and changes as they evolve. Part of the "management technology" we need is the ability for employee and employer groups to anticipate these problems before they become critical.

Next, for our second sociological consideration, we come to "people problems" within the management process of corporations. In the context of our 20-year look ahead, one of the primary internal management challenges will be the development of people able to use computer hardware more effectively and with more imaginative applications than is commonly demonstrated today. As I mentioned previously, by 1986 we will be into more sophisticated computers, which will offer infinitely greater capacity, speed and flexibility for analysis and distribution of management information. However, regardless of the equipment capability achieved by then, its usefulness will be no greater than the accuracy of the input information and the selectivity of functions which the computers are called upon to perform. People must perform these functions. And people must create the intellectual awareness of system capabilities which transcend the short view perspectives of individual persons, departments, companies or even modes of transportation. We must have people who can visualize, plan and implement operations which do not yet exist but which are capable of development.

Third in my list of sociological considerations is the relationship with the customer community. Industrial management in our country, indeed, throughout the world, is becoming increasingly aware of the economic importance, in its broadest sense, of distribution. Gone are the days when top management relegated traffic and distribution management to a secondary role, with accountability well down the organizational line. This, of course, is no guarantee that broader systems development will find ready acceptance in the business society of 1986, but it does indicate that industry will become increasingly demanding in appraising and buying its distribution services. The management technology called for here is that of developing sufficiently broad managerial perspectives to establish true systems concepts of distribution in terms of customer requirements.

Now that we have had a look at the legal, regulatory and sociological questions, we come to the political element—probably the most difficult to classify or predict, but certainly one that will always be with us. In this category falls the development of broad public policy determinations covering basic legislation and regulation. Such matters as governmental financing of advanced research and financial aid or subsidy to new applications all fall initially within the political sphere. Equally important is the anti-trust treatment of multi-modal systems, how they are created and regulated. The importance of this transcends politics as usual but we obviously must recognize the reality of things as they are not as we might dream. So an educational and selling effort is required to restate national transport policy in the political arena in terms of multimodal objectives.

I have tried to be realistic by pointing out a problem area that is easy to overlook, and have served up one version of a general approach to solving it. But a speech is no problem-solver. As always, it boils down to a need for coordinated action, not just talk, under enlightened and hardworking leadership.

With what our researchers, scientists and engineers will come up with in the next 20 years we know we will have to do our best to be ready to manage what they make possible.

It is fitting when thinking about 20 years into the future to sum up the management challenge by recalling the words of the late "Boss" Kettering, the inventive genius of General Motors, speaking to a group at the dedication of the G. M. Technical Center in Detroit, who said ". . . the future will be greater than the most fantastic story you can write. You will always underrate it."

Thank you.

A LETTER FROM VIETNAM

Mr. THURMOND. Mr. President, recently Dr. Max Rafferty, superintendent of public instruction and director of education for the State of California, presented an outstanding speech before the 75th Continental Congress, National Society of the Daughters of the American Revolution.

Dr. Rafferty is well known as an educator who stands up and speaks out for what he believes. This speech lucidly states, very pertinent information regarding our present educational system and relates it to our men in Vietnam.

In order that this may be available to my colleagues, I ask unanimous consent that the speech by Dr. Max Rafferty given on April 19, 1966, in Washington, D.C., at the DAR national defense evening be printed in the CONGRESSIONAL RECORD.

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

A LETTER FROM VIETNAM

(Address of Dr. Max Rafferty, superintendent of public instruction and director of education, State of California)

In her very beautiful opening remarks tonight, your distinguished National Defense Chairman quoted from a letter which she had received not too long ago, and like her, I, too, get lots of letters. I get them in my capacity as an educator from mothers whose children are spending too much time on home work, and from fathers whose children aren't spending enough time. I get complaints from teen-agers who are being put out of school and complaints from other teen-agers who aren't being allowed to get out.

Parents write me agonizingly about school discipline and teachers write me bemoaningly about home discipline, and so it goes. Over the years, I have learned to answer these as best I can, meanwhile developing the attitude of objective detachment recommended by certain of the great philosophers, but once in a great while, once in a blue moon, I get a letter which none of my nicely prepared form answers will fit at all, one which makes ridiculous any attempt at philosophical detachment on my part.

Such a letter came across my desk quite recently. It was soiled and stained and a little the worse for wear. With its San Francisco Armed Force postmark, it had obviously come a long way and here is what it said:

"I hope you will excuse two things: first that I am using a pencil, and second that I am writing to somebody I have never met. The first is easily explained. I am sitting in a little Viet Nam village somewhere north of Saigon and the other guys in my platoon are using the only ballpoint pen in the outfit.

"It would take a little longer to explain why I picked you to write to. Maybe it is because we were all talking a few minutes ago about where we went to school—you know, stuff about teachers we had known, football, basketball, courses we have taken, why some of us dropped out of high school early—things like that.

"Now that I am off duty for a while I have been doing some thinking and some wondering, too. Anyhow, I happen to know your name. I know you are the head of the schools in my home state, and I figured if anyone could answer my questions you ought to be the man. I told the guys I was going to write you because they are the ones who thought up most of the questions they want to know the answers to, so here goes.

"No. 1. The first one is real simple: How come none of us ever heard of this place before we took off for it? Oh, sure, we knew it was somewhere in Asia, but Asia is a mighty big place. Shouldn't our teachers somewhere along the line have told us at least where it was and what its capital is, and how the French used to own it and how it was they got thrown out eleven or twelve years ago by the same bunch of commies we are fighting today? Why did we have to spend so much time down in the grades studying all about the home and the community, and the trip to the dairy and all that stuff?

"I remember my class used to take field trips to the bakery and up to the mountains to see the lake. We had us a ball, but somehow over here most of us think we got shortchanged somewhere in school. Oh, they taught us a lot about how to be a good committee member and how to share democratically with our peers, and even how to build the Panama Canal out of blocks; but this sort of thing just doesn't seem to help us very much over here.

"What we needed to know was who these people are and how they got here in the first place, and how many of them there are and what they call their cities, and what they eat and what they wear, and a whole mess of things like that. Quite a few of us don't really know what is coming off over here, and we've got a hunch the guys over by the Berlin Wall may be in the same spot as far as all those European countries are concerned.

"My school spent a lot of money on me, I guess, and I liked school fine while I was in it. I'm not quite so sure I like it now. I found out, you see, how much it didn't teach me. My question: Why didn't it?

"No. 2. We were all arguing a little while ago about what communism really is and why the Vietcong is ready to die for it. Our Captain sat in on part of the bull session and he reminded us that people have been willing to die for all sorts of crazy causes over the years. Look at all those Germans who died for Hitler, or all people, and the Japanese who died because they thought their Emperor was some kind of a god.

"This answered one of our questions, I guess, but it raised a lot more. Why was it that the Captain had to be the one to tell us this? Why hadn't we heard 'way back in school about the Crusaders and the Huns and all those other people the Captain told us about today, who went into far countries centuries ago to fight and die? Most of us had never heard of any of them. As far as we knew, we Americans were the very first to do this kind of thing.

"But the thing that really bugged me was that nobody seemed to be able to tell exactly what communism is. One guy said it was atheism. Another one said it wanted to rule the world. Somebody else said it was kind of like socialism, but a lot of us figured out that couldn't be because the English have socialism and they aren't commies. Even our Captain wasn't much help at this; he started looking at his watch about then and finally had to take off, he said.

"We didn't talk about it but I'm willing to bet that none of us could have told what capitalism is. I had read a little about it since I was sent out here, but nearly all the guys would say it was democracy or American business, or something like that. This doesn't really tell what it is, does it? How come we Americans bog down when we try to define the thing we are fighting for as well as the thing we are fighting against?

"How can we fight as well as these commies who have been taught ever since they were kids to worship communism and to die for it gladly? You know, I just can't remember any one of my teachers I ever had who told me straight out I ought to love my country just like I love my mother, and for the same reason. Oh, I'm sure a lot of them felt that way, they were fine people, but they just didn't seem to want to talk to us kids much about that.

"Why not? Is there something in the law that prevents our teachers from telling their pupils how grand and how great and how free the United States of America really is?

"No wonder some of our fellows come back brainwashed from the commie prison camps. I'd trade all the courses I ever had back in school in social living and senior problems and ninth grade orientation and student leadership for some good solid classes in economics and civics and world geography. These are the things we need over here. How come I never got them?

"No. 3. Every since I was back in the first grade I heard all about the importance of cooperating with the rest of the world. We were taught that the U.N. had been set up to keep the peace and all we Americans had to do was cooperate with it and do our share and there wouldn't be any more war, ever.

"From what I hear, we did our share pretty well. We loaned everybody money and got darned little of it back. Every time any country anywhere got into any trouble, we were the ones to help bail it out. I never heard of anybody else doing it—just us. We taxed ourselves more than any other people in all history, and most of the taxes went to bolster up a bunch of little countries most of us had never heard of, and that turned out to be the very first to kick us out and burn down our embassies and insult our flag just as soon as they got half a chance.

"I guess my question here is: Why didn't our teachers tell us that cooperation has to be a two-way street? These Communists over here don't cooperate worth a darn. They poison their bullets and they sow the jungle trails with spiked boobytraps, and they slaughter our wounded. They throw bombs into our barracks and kill us while we sleep. They torture and dismember their own countrymen who refuse to go along with them. They don't talk peace because they don't want peace. They never have. They never will.

"This isn't what I was taught in school. They told me there that everybody wanted peace more than anything else in the whole world. I've learned out here that this just isn't so. They told me down in the grades that if we Americans just helped everybody else out and didn't go around starting any wars there wouldn't be any wars. This was a downright lie, as it turned out. What I want to know now is: Why were we lied to?

"Finally, what's with these college professors and these university presidents who are stabbing us in the back these days? Don't they know that everytime they permit their campuses to be used for this 'give blood to the Vietcong' rally stuff, and everytime they let their students out of classes to lie down in front of troop trains and burn their draft cards, it encourages Ho Chi Minh and Mao Tse-tung to prolong this war out here just that much longer? Don't they know this—or is it just that they don't care? But every single day this war is prolonged, more of us over here are going to get killed.

"They told me back in school that treason consists of giving aid and comfort to the enemy. Well, I can testify to two things right now: First, that the commies are our enemies, all right; and, secondly, that these demonstrations back home give them one heck of a lot of aid and comfort. If this isn't treason, what is?

"Now, I can't understand our college authorities permitting their students to help our enemies, but there is one thing I can understand even less: why the folks back home let them get away with it! After all, these colleges and universities are mostly tax-supported, aren't they? Why aren't our mothers and our fathers and our cousins and our neighbors out demanding that these friends of our enemies be booted out, whether they turn out to be students getting a free education at public expense when they ought to be over here helping us, or professors drawing fifteen-to-twenty-thousand-dollar-a-year salaries to preach aid to communism and seek surrender to those who are trying to destroy us?

"Maybe it's just that there aren't enough of us over here yet. Maybe when another 100,000 or 200,000 or half a million of us are over here in the jungles, the college authorities and the legislators back home will listen to us then and do at long last what they should have done in the first place: Clean that mess up!—that mess which is turning our colleges and our universities into breeding grounds for treason and nesting places for sabotage and for subversion.

"Well, these are the things my friends and I would like to know the answers to. Maybe nobody knows the answers but if you do, will you let us know? A lot of us over here are beginning to wonder."

He signed his name and gave his outfit. In due time and across long distances, his letter came to me. I puzzled over it. I don't mind telling you I worried over it. Yes, I guess I even prayed a little over it. Finally, after a whole lot of soul-searching I wrote some kind of letter in reply, but I knew even as I sent it that I hadn't really answered him. There's a big difference, you know. And even my lame and inadequate reply never reached him, as it turned out. By the time my letter had been passed along to that little village north of Saigon, my G.I. correspondent had moved on—permanently, his questions forever unanswered.

And yet they must be answered by all of us for the sake of all of those who serve us overseas, in silence, in obscurity, too often in pain. Someday they will come back to us, the young men who survive the green hell which we, their elders, have sent them to, and when they do the answers must be ready, not only for their sake but for their children's sake after them.

So will you join me this evening in a letter to Viet Nam? It goes this way:

"DEAR JOE: Did you ever notice how parents who love their kids so often seem to spoil them? They want things to be so good for the youngsters in the years ahead that they tend to lose sight of how things really are. We wanted everything to be so right for you—a world at peace, a nation where tolerance and helpfulness and comfort and abundance would be the rule, not the exception; a way of life in which everyone would be happy and at ease, and would walk shoulder to shoulder into a future fair beyond all the dreams of men. This is what your grandfather wanted for his kids after he had licked the Kaiser in 1918. What he got, instead, was the Great Depression and World War II.

"It was what your Dad wanted for you in '45 after he had smashed the Nazi octopus. What he got was the Cold War and Little Rock and Watts, in installments.

"He saw his younger brothers march off to Lebanon and Korea and to the Dominican Republic, and now he sees you struggling there in the quicksands of Southeast Asia and his heart bleeds a little inside him. 'What went wrong?' he asks; and so do you.

"Well, what went wrong was what always goes wrong when you live in a dream world. The public schools as I have watched them and worked with them for a quarter of a century were given over, lock, stock and barrel almost a generation ago to a bunch of educational theorists from Columbia University Teachers College who had decided, unilaterally, that the only thing worth teaching to children was the ability to adjust comfortably and happily and easily to their environment.

"The assumption, you see, was the one we were all making at the time, namely, that our future environment was going to be so affluent and so secure, and above all so peaceful, that adjustment to it would constitute the supreme goal in life. History and geography were old stuff. So was civics. After all, we were going to have a new world now, weren't we? The new spirit of perfect international understanding and brotherhood would see to that, wouldn't it? Besides, there was only one really major power in the whole world then which could ever disturb the peace again, that power which had all the A bombs and all the Navy and all the Air Force and, above all, all the money—us.

"So feed the kids cooperation—cooperation at any cost. Get them to love everybody under the sun, and in order to do this make them believe that everybody under the sun loves us. Never mind if it isn't quite true yet. Surely—surely if our American children grow up loving the world, the rest of the human race is bound to reciprocate, isn't it?

"And if the schools just don't have enough hours in the day to teach arithmetic and spelling and English grammar, history and geography, and to get in all this new 'life adjustment' stuff like social studies and social living and senior problems, group dynamics and democratic sharing and peer group socializing, why then the fundamentals of human learning will just have to take a back seat for a while—and they did, Joe; for twenty-five years and more they did.

"This is why you didn't know the capital of Indochina. You were too busy back along the years building igloos like Muck-Muck,

the Eskimo boy. This is why you didn't know whether Berlin was in East or West Germany. You were too busy learning how llamas were harnessed like little Pedro from Peru.

"This is why you didn't learn a lot of things, Joe, and one of these things was why America is worth dying for, and always has been. It got to be kind of square after World War II to admit you loved your country. We had been openly and unashamedly patriotic for too long, I guess, from 1941 to 1945, for some of us to hold still for, so we kind of soft-pedaled the Spirit of '76 and 'My Country, right or wrong.'

"It looked, after all, as though before too long all the nations of the world were going to beat their swords into plowshares and join in one big planetary union, and in a One World universal peace like this national patriotism would be a bit out of place—downright embarrassing.

"We were so sure it was coming, Joe—so sure—that we educated you for a world which never was and which never came to pass. You see, we forgot one thing: that the rest of the world was teaching its kids something entirely different. The Russians? They were raising a generation to believe that they were destined to bury us and their leaders told them that everyday. The Chinese youngsters? They were conditioned from birth to regard Americans as devils out of hell. South Americans in many places were told from infancy that we North Americans should be spat upon at sight.

"Much of the rest of humanity, thanks to the films we exported to them so thoughtfully, regarded us as half fools, half gangsters.

"We were the only ones, Joe, to preach tolerance and cooperation—yes, and love—to our children in the schools. Was this wrong? No. It is never wrong to love your enemies. It's just that your generation, Joe, was brought up to believe, not just that you should love your enemies, but that there were no longer going to be any enemies to love. We taught you to be decent and kindly and charitable, and I think overall we succeeded pretty well; but we should have taught you, too, to be armed and ready to defend your lives and your liberties in a world which too often returned neither your decency nor your love. In a word, we should have given you the facts. Instead, we gave you our own hopes, our own dreams, our own fatal illusions.

"We teachers tried to give you education in your schools, Joe. Sometimes it was a little watered down, that's true, but it was education, nonetheless, while across the Atlantic and the vast Pacific the children of Asia and much of Europe were being given not education at all but indoctrination. The solution was not to have indoctrinated you but it was to have prepared you for life in an indoctrinated world, and this we did not do, and herein lies the shame and the folly of all of us who sent you half around the world to learn at the cost of your tears and your blood what we should have taught you as a little child.

"We didn't lie to you deliberately. We didn't mean to hurt you, God knows. We just ended up kidding you, that's all, and it is no real defense to say that all the while we were kidding ourselves, too, all of us—kidding ourselves by letting twenty-five years of life adjustment progressive education adjust immortal lines like these right out of the curriculum of your school, Joe:

" 'Aye, tear her tattered ensign down,
Long has it waved on high
And many a heart has danced
to see that banner in the sky.'

" 'By the rude bridge that arched the flood
Their flag to April's breeze unfurled
Here once the embattled farmers stood
That fired the shot heard 'round the world.'

" 'The breaking waves dashed high
On the stern and rockbound coast.' "

Try these lines on the children in your own neighborhood if you want first-hand proof of what a generation of life adjustment education has done to America's young. I know, it may be argued that the mere mouthing of rhymed couplets and the parroting of phrases from great speeches by children will do nothing to instill understanding of our nation's past and faith in her future, and this is true, but to the same extent that reciting the wedding vows in itself will do little to insure a happy marriage but few of us would feel genuinely married without this moving spiritual experience at the outset of our voyage across the perilous seas of matrimony, even so is the case of the great stories, the great poems, the great speeches which summarize so eloquently and so dramatically the adventures of the American people down through the centuries. We commit a crime, not only against the child but also against the country itself when we remove these grand reminders of yesterday from the curriculum of today.

"I wonder what you would say, Joe, if you knew over there where you are now about the current threat, the strangest thing I have ever been called upon to speak or write about in all my long career as an educator, and one which I never thought I would have to comment on in this country—the current threat, of all things, to our national songs posed by interpretations of the recent Supreme Court ruling barring state-prescribed prayers in school classrooms."

As a public educator, I certainly hold no brief for any sort of sectarian religious practices in the public schools. In fact, I would be the very first to oppose such practices. We teachers have no business preaching or trying to interpret the Scriptures, that's not our job, but nobody can tell me that the legal separation of church and state, which the Founding Fathers wisely wrote into our Constitution, was ever intended to justify the attacks on our patriotic music which we are now witnessing on all hands.

For instance, in one of our greatest eastern states it has within the last few months or so become illegal to require the recitation in school of these lines:

"Oh, thus be it ever when free men shall stand
Between their loved homes and the war's desolation!
Blest with vict'ry and peace, may the heav'n rescued land
Praise the Pow'r that hath made and preserved us a nation!
Then conquer we must when our cause it is just,
And this be our motto: 'In God is our trust!'
And the star-spangled banner in triumph shall wave
O'er the land of the free and the home of the brave."

In my own state, just a short time ago, a certain organization which specializes in this sort of thing demanded that one of our school districts eliminate several songs contained in the music programs in the local schools because they were written originally in the form of prayers and state-mandated prayers are now illegal. One of these songs contained in our California music textbooks and now apparently to be ruled out has been sung by millions of Americans for a hundred years without any ill effects until now:

"Mine eyes have seen the glory
Of the coming of the Lord,
He's trampling out the vintage where
The grapes of wrath are stored."

This may be a prayer, I don't know; I don't care. It fought with Grant in the wilderness, that song. It rode with Sheridan on that breathless gallop to Winchester twenty miles away. It fell like welcome balm upon the anguished soul of Lincoln when he stood on that day of all days gazing up Pennsylvania Avenue, straining his eyes while the fresh young troops marched out of the West, flowers in their muskets, chanting that mighty tune and adding to its words of their own choosing "We are coming, Father Abraham, three hundred thousand more."

Another of our little kindergarten songs out there begins with a quotation from Charles Dickens which has gladdened the hearts of mankind ever since Tiny Tim spoke it out of the fullness of his heart and in reverence of the Christmas Season. "God bless us every one," it starts—and so presumably it is illegal.

The move to outlaw Christmas carols in the schools is well known, I am sure, to all of us despite the fact that these innocent, joyous folksongs are among our most precious musical treasures, sung alike by Christians and non-Christians during the Yuletide holidays. I well remember my own childhood in the Midwest where we sang these lovely little songs without any thought of sectarianism. Alongside me was a little girl, we were in the third grade, and I loved her madly. I remember her today. She was the daughter of our Jewish Rabbi and her name was Mina Slotsky. She was a beautiful little girl and she sang those Christmas carols in the most beautiful little soprano voice you ever heard, in the fullness of her heart, and I well remember one because of course her heritage did come in and she insisted on singing it "The world in Solomon stillness lay."

All these songs and many more are now under increasing attack across the land. What alarms me are the implications for the future if education is to be prohibited from teaching music written in the form of prayers. What happens, I ask you, to such verses as these?

"Our father's God, to Thee,
Author of liberty, to Thee we sing.
Long may our land be bright,
With freedom's holy light;
Protect us by Thy might,
Great God our king."

And—

"America, America, God shed His grace on thee
And crown thy good with brotherhood from sea to shining sea."

And even that song written by the best-loved of all our modern Jewish composers:

"God bless America, land that I love,
Stand beside her and guide her
Through the night with a light from above."

These are all prayers, ladies and gentlemen; that's all they are, that's all they ever were. They are our most precious musical heritage. Do you begin to see the cleft stick on which education is now caught? It seems to me that all these amputations of the great poems and the songs which every former generation of Americans would have defended literally to the death have somehow something in common. They represent a gnawing away at a once mighty tradition, an erosion of everything out of our past which was at once wonderful and glamorous and soul-stirring; the substitution of the dull, the humdrum, the trite, for the thrilling, the mysterious, the breathtaking.

It is a trend which, unfortunately, seems to be accelerating. It is a trend which both school people and the lay public must resist with every legal means at our disposal if the nation's schools are to continue to fulfill their ancient role as the transmitters of the cultural, the historical, the patriotic tradition which has always in the past been part and parcel of the inheritance of every American. The rights of minorities in this land

must always be protected, no matter how microscopically small and vocal some of those minorities may be, but nothing in this concept confers upon any minority, no matter how tiny or tyrannical, the right to dictate to the vast majority, particularly when nothing less than the survival of the great Republic itself in the years ahead may well be the issue now at stake.

"And so it is, Joe. I have left the poor, bedraggled misfits you mentioned until last, those spindly, bearded, round-pegs-in-square-holes who parade in straggling, evil-smelling lines with misspelled placards to help your enemies, because they know down in their hearts they cannot hold a candle to you; and they envy you because you are something they can never be—a man.

"You wouldn't hate them, Joe, if you could be over here where we are and just see them with their lank-haired, burning-eyed female counterparts. Every country has its loose nuts, Joe. These are ours.

"But the professors who lead them and who justify them, and who egg them on to treason—these prostitutes of my profession, I cannot excuse. They cannot plead ignorance. They know how their actions give aid and comfort to the enemy. They cannot claim that life and success have passed them by, leaving them to chew on the cold bones of frustration and acquire vicarious status through showing off. Neither can they take refuge in youth and inexperience.

"We cannot silence them, Joe. To do so would be to sully the very cause you are fighting for. But your revenge on these seducers of the young is already complete, whether you know it or not, for around the neck of each one of them hangs like an albatross the terrible picture of our American wounded, hands trussed behind them, shot in the face in cold blood by the bloody butchers whom these cap-and-gown agitators have preferred to their own countrymen.

"It's not the kind of memory I should like to have accompany me through life, I can tell you; but never sell my profession short, Joe. For every professor who plays footsie with the Vietcong, there are hundreds, thousands more who are loyal, decent, patriotic Americans, as evidenced by the recent and vigorous protest enunciated by the University of California at Berkeley's faculty against the few, fortunately the few among them who have so coldly and cynically abused the privileges of academic freedom.

"And for every American school today which still clings stubbornly and blindly and stupidly to the outworn, exploded dogmas of progressive education, there are many, many more now swinging over daily to the basic educational philosophy which we in California call 'education in depth,' and which, please God, will help to spare your children what you have had to undergo.

"In countless high schools across the land new, different courses in economics, in world geography, are taking the place of the outworn pablum of social studies. Those who come after you, Joe, will understand more clearly the real nature of the world we live in, and they should be better armed and better guarded against its ancient pitfalls.

"But above all else, we educators are rising above the terrible temptation to go to the other extreme, to teach hatred to the children, and intolerance and narrow nationalism. We teachers are still teaching America's children to hope and to aspire and to love their fellow men, while advising them all the while against the perils implicit in a fool's paradise.

"We have faith, we educators, that sometime in the days beyond tomorrow, education in the other lands of this earth will cast off its shackles and join us in this great mission.

"That's about all I can tell you, Joe. Nearly all of us here are thinking of you and praying for you. God bless you."

This, then, is my letter to Viet Nam. It will take you and millions like you to change its promises to realities. As the grim struggle escalates, as more and more of our sons and brothers are cast into the scales, isn't it about time we did a litttle escalating of our own right here at home?

I can't think of a better or more rewarding place to start than our own schools, our own colleges; above all, our own universities. It is you, after all, who must answer at last to our boys who come home again. See you to it.

HOW TO ARGUE WITH A CONSERVATIVE

Mr. HART. Mr. President, Michigan's master political craftsman, Neil Staebler, has collaborated with Douglas Ross, to produce what might be called a textbook on "How To Argue With a Conservative." One of the Senate's masters of the English language my good friend the senior Senator from Minnesota, has reviewed this book as it deserves to be reviewed and appreciated in the current issue of the Democrat.

It is possible that some of our friends across the aisle will find this review and this book helpful to them.

Mr. President, I ask unanimous consent to insert Senator McCARTHY's review, and I urge my colleagues to avail themselves of the distilled wisdom Mr. Staebler and Mr. Ross have collected in their book.

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

[From the Democrat, May 1966]

BOOK REVIEW: STAEBLER DISSECTS RIGHT WING VIEWS

(Sen. EUGENE J. McCARTHY of Minnesota reviews How to Argue With A Conservative, by Neil Staebler and Douglas Ross. Grossman, 203 pages, $4.95.)

Sen. McCARTHY is the author of Frontiers in American Democracy and A Liberal Answer to the Conservative Challenge.

(Neil Staebler, former Congressman-at-Large from Michigan and former visiting Professor of Practical Politics at the University of Massachusetts is now Democratic National Committeeman from Michigan.

(Douglas Ross, a graduate student in economics at the University of Michigan and chairman of the University's Young Democratic Club served as legislative aid to Mr. Staebler and to Cong. JOHN DINGELL of Michigan.)

(By EUGENE McCARTHY)

The debate in the campaign of 1964 was not the liberal-conservative debate which had been anticipated and hoped for. There was, in fact, no debate. The Goldwater case was a case against history, a radical one, which did violence to the structure of American society, government, and politics.

The people of the country spoke decisively in rejecting this extreme approach. I do not mean to underestimate the danger of the extremism of the right on the basis of election returns alone, but I suggest that its national political strength comes not from itself but from the excessive moderation of the center. The silence, or even acquiescence of good men who fear action, unless it be perfect, mute the calm voices of reason against the voices of fear and hatred.

To overcome or at least prevail against the voices of discord, reasonable men must present their case calmly, clearly, but—most importantly—again and again and again until the quiet voice of thought is heard over the shouts of hatred and distrust.

Neil Staebler and Douglas Ross have contributed to this effort in How to Argue With a Conservative, which they describe as a handbook to be used "as you would any other handbook" rather than "a text in political philosophy."

Stating the conservative arguments with care and with some kindness, the authors fulfill the hope expressed in the preface that "argument directed to the intellect rather than the emotion, dealing with specific issues rather than abstract values, can on most occasions be fruitful, and can offer a meeting ground for people for whom it would otherwise be difficult to find a sound basis for discussions."

The book makes sound arguments for programs and policies accepted in greater or lesser degree by most citizens—programs and policies which have been developed to meet the needs of a changing America—programs and policies which have served the needs of America well, and which, in new and changing circumstances, have given vitality to the fundamental principles of American economic, social and political life.

POLLUTION OF OUR NATION'S RIVERS

Mr. BREWSTER. Mr. President, of all the issues which confront today's policymakers, none is more deceptive than the pollution of our Nation's rivers. It resembles an iceberg—only the top of the problem is apparent at the moment, but the difficulties will become greater and greater as time goes on.

The cost of bringing a halt to this destructive pollution would not be small. But every year of delay only increases the burden which must be borne on the ultimate day of reckoning. Either we face this problem now, and begin to take steps toward a solution; or else we will be faced with a shortage of pure water and a lack of recreational facilities.

The Baltimore Sun of Tuesday, June 14, 1966, contains an editorial which recognizes these issues and points the way toward a progressive policy to combat which it labels open sewers. I commend this editorial to the attention of all who are alarmed—or should be alarmed—about the gradual poisoning of our Nation's waterways.

Mr. President, I ask unanimous consent that this editorial be printed in the RECORD.

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

RIVERS AS SEWERS

There are very few rivers in the United States which are not polluted. And there are some which are so heavily polluted with sewage and industrial wastes they are little more than open sewers. The Federal Government has moved to correct the pollution problem; so have some of the states, acting individually and in cooperation. But what has been done, and is presently contemplated, is far too little to halt the growth in the river pollution problem.

What would it cost to halt that growth; indeed to reverse the trend and rehabilitate our rivers? The cost can only be estimated. However, the latest estimate is $40 billion, a figure put forward a few days ago by Rupert Lore, of Ridge, Md., who is president of the Oyster Institute of North America.

No one needs to be told that $40 billion is a lot of money. Is that figure prohibitive and particularly is it prohibitive in the light of the dire need to bring stream pollution

under control? No one is likely to rush forward with a quick claim that the cost is too big to permit action. And here it might be noted in passing, as Mr. Lore noted, that in one area of governmental activity we are spending in excess of $40 billion—on highways, and not highways in total but the Interstate System alone.

But estimated cost aside, the attack on the water problem is spreading. We had evidence of that in the release of the proposed Susquehanna River Basin Compact and the proposal that the Potomac River Basin be brought under a similar compact. Such agreements bring the Federal Government and the states within a basin into a single coordinated effort to develop an area's river resources—with the effort ranging from pollution control, to the construction of dams for water storage and the saving of open countrysides for recreation.

Maryland would, of course, be under both the Susquehanna and Potomac compacts. Those agreements would help Maryland to assume its proper share of the nation-wide job of attacking river pollution.

DISABLED AMERICAN VETERANS ON THE HILL

Mr. TOWER. Mr. President, I am proud to join this week with many other of my distinguished colleagues to salute the Disabled American Veterans on the 34th anniversary of the granting of a congressional charter to establish what has become the largest single veterans organization of wartime injured and disabled in both this Nation and the world. Thirty-four years ago the first session of the 72d Congress chartered the Disabled American Veterans "to advance the interest and work for the betterment of all wounded, injured, and disabled veterans as well as to cooperate with the United States Veterans' Administration and all other Federal agencies devoted to the cause of advancing and improving the condition, health, and interest of all disabled veterans."

But Mr. President, the Disabled American Veterans have not rested on their laurels or grown apathetic with past accolades. On the contrary, each year the Disabled American Veterans have done more to merit the praise and admiration of all Americans by supporting and sponsoring programs whose scope reaches far beyond the benefit to their own 231,000 members.

In this past year alone the Disabled American Veterans compiled an enviable record of projects accomplished. This Disabled American Veterans organization supplied $2,400 in cash prize money to five student winners in a nationwide essay contest to promote the hiring of the handicapped. I especially laud the employment of a proven vital, hard-working sector of America's labor force, but this is also a stellar example of the way in which a private, charitable organization can reward and further academic excellence of deserving students in our Nation.

Second, Mr. President, the Disabled American Veterans urged and supported Congress in passing legislation that in some small way compensates the veteran or his dependents for injuries sustained as a direct result of military service during time of war. I concur wholeheartedly with the views of the Disabled American Veterans that veterans' compensation is not, and should never be treated as a welfare type of payment. No monetary compensation can justly purchase the freedom that America has maintained for nearly two centuries.

America's true cost of war—America's constant price of vigilance—is its wartime disabled. The Disabled American Veterans worked for and supported the cold war GI bill which a majority of my colleagues and myself proudly voted for and enacted into law. I commend the Disabled American Veterans for their unstinting dedication to a nonpartisan policy of advancing the cause of the disabled ex-serviceman, his widow, dependents, and orphans.

Finally, Mr. President, I wish to bring to the attention of this body and to the citizens of this Nation the truly outstanding service of promoting partiotism that the Disabled American Veterans have done in the past and are doing today. The Disabled American Veterans believe in the justness of our Nation's cause in past wars and the need for present defense spending. In the wake of present dissent over U.S. involvement in Vietnam ranging from campus critics, cries of arrogance, and draft card burning, I, as a U.S. Senator and more importantly, as a private citizen, am both delighted and encouraged by an organization, the size and stature of the Disabled American Veterans, who publicly support our Nation's policy of containing the spread of communism in South Vietnam.

This past year, Mr. President, the Disabled American Veterans have sponsored a nationwide bumper sticker campaign to gain public support for our fighting men in Vietnam. Also, to promote patriotism, the Disabled American Veterans this past week have urged all Americans to observe Flag Day, last Tuesday, June 14, by displaying an American flag on their property.

Mr. President, I commend their national commander, Claude L. Callegary, their national officers including National Executive Committeeman C. F. Searls of San Antonio, Tex., as well as the 231,000 Disabled American Veterans throughout the United States. I say thank you to these brave citizens who so greatly embody the spirit of America because they have fought and suffered to preserve the spirit of America—the spirit of freedom.

Mr. SALTONSTALL. Mr. President, Friday, June 17 marks the 34th anniversary of the approval of the act of Congress incorporating the Disabled American Veterans. The DAV was actually formed many years before, in 1919, by a group of veterans of World War I. For nearly 50 years, it has served as the representative of the injured and disabled members of our Armed Forces. The DAV has stood ready to aid the disabled servicemen of two World Wars and the Korean conflict, as well as the injured victims of the present conflict in southeast Asia.

The price of freedom has always been high, but it has been a price the American people have been willing to pay. Our American men and women in uniform have paid more than their share of that price. Many thousands of them have made the ultimate sacrifice, so that we might remain strong and free as a nation and as a people. To thousands more, the price paid is temporary or permanent incapacity, disfigurement, or other serious injuries of a physical or mental nature. These disabled Americans have been the special concern of the Disabled American Veterans. The DAV has aided countless thousands of them in obtaining medical care, hospitalization, and disability compensation.

Perhaps the greatest challenge and most serious responsibility we have to our disabled servicemen is to assist them in making the painful and often difficult readjustment to nonmilitary life. I know from my many communications with disabled veterans just how important a problem that is to them. Assisting the disabled veteran with his tasks of rehabilitation and job training is a major aspect of the work of the DAV, and for many thousands the free assistance of this dedicated organization has meant the difference between success and frustration in their civilian lives. It is a most valuable supplement to the facilities of the U.S. Government in attaining the best life that is possible for those who have given so much for each one of us. We are in the debt of the DAV for its dedication to the high and singular purpose of caring for the welfare of the militarily disabled.

I am honored, as a veteran and as a grateful American, to participate in the commemoration of this anniversary. I congratulate the DAV on its fine record of dedication and accomplishment.

THE INDIANA UNIVERSITY FOREIGN JOURNALIST PROJECT

Mr. BAYH. Mr. President, we of Indiana are proud that our State is "home base" for an international project that promotes true understanding of our Nation among all peoples of the world. This program is the State Department's multinational foreign journalists project at Indiana University.

President Johnson praised the program in the following terms:

> Through this project writers from nearly every country of the world have studied the techniques of American journalism. And while working for newspapers and magazines they have learned more about a way of life which is aimed at permitting each individual in this Nation to develop to his fullest potential.

Writers study at Indiana University, travel about the country, talk with leaders in the Nation's Capital, and work on leading news media in all parts of the United States. During a 4-month period, these prominent journalists gain a better understanding of all facets of American life. As news reporters they have the opportunity to disseminate their observations about us when they return to their home countries.

Hoosiers are proud of this "Little United Nations" of journalists. Because of the world significance of this under-

taking, Mr. President, I ask unanimous consent that a description of the project which appeared in a recent issue of the Indiana University Bulletin be printed in full 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:

[From the Indiana University Bulletin]

THE MULTINATIONAL FOREIGN JOURNALISTS PROJECT—AN INVESTMENT IN INTERNATIONAL UNDERSTANDING

Because journalists influence the attitudes and beliefs of large segments of the population in their respective countries, the United States Department of State has, since 1950, invited many foreign journalists to visit the United States and examine the country at first hand—to see what the people are really like, and to learn what they are thinking.

One of the most effective of these foreign exchange programs—the Multi-National Foreign Journalists Group Project—is administered by Indiana University's Department of Journalism. Each year 20–25 outstanding journalists from 15 or more foreign countries participate in a four and a half month "depth reporting" investigation of the United States under Indiana University direction.

It is not an easy task to weld a group of individuals with such distinctly different backgrounds into a cohesive, workable unit, and channel their energies toward a common goal—in this case an understanding of Americans and the "American image" on the world scene—while at the same time allowing each individual full freedom to pursue special interests, independent travel, and personal exploration of American ways of life. But this is the task undertaken by a group of faculty and staff at Indiana University each year as its contribution to international amity and understanding. The project director is Professor Floyd G. Arpan of the Department of Journalism. Mr. Arpan has directed twelve of the Foreign Journalists Projects for the Department of State.

The major objective of the program is to explain: "What is an American?" (What does he believe? How does he operate? What ethical and moral principles govern his actions both on the domestic scene and in world affairs? How does his democratic philosophy really work out in practice? What is the basis for his support of free speech and a free press in relation to government and society?)

PROGRAMS ARE TAILORED FOR PARTICIPANTS

To achieve the objective, a detailed program of work, study, and travel is especially tailored to suit the individual needs of each visitor. The backgrounds and experience of the participants vary so greatly that no two Multi-National Foreign Journalists Projects ever are alike. Each Project has a "personality" of its own which develops from the great diversity of the interests, experience, and political leanings of the participants.

Each new Project presents a particular challenge in total programing. The participants, of unusually high intellectual caliber, are thoroughly individualistic and independent. The variety in their backgrounds, their experiences, their attitudes, provides a "cross section" of world journalism:

—Politically, the journalists represent all shades of opinion. Some are pro-West; some espouse the neutralist point of view; there are often representatives from the Iron Curtain countries; some are openly critical of American foreign policy (though not necessarily anti-American).

—Some of the journalists are strictly provincial in their attitude; others are highly sophisticated. Each year a number of the journalists who participate never have been outside the boundaries of their own countries; others have traveled widely to nations around the globe.

—All areas of the world are represented—Europe, Africa, South America, and the Far East. Thus the major racial groups of the world are also present.

—Some of the journalists come from old established nations and cultures; others from the newly emerging nations just released from colonial administration.

OPEN DISCUSSION IS ENCOURAGED IN SEMINARS

Each participant is encouraged to express himself freely concerning his hopes and fears during his stay in the United States. This practice brings into the open any indoctrination of anti-Americanism, "chip-on-the shoulder" attitudes, and fallacious information concerning the United States. Each participant is encouraged to speak out, air his grievances, seek explanations, and discuss openly any subject on which he has personal feelings or curiosity. Individual evaluation sessions determine where each participant will be assigned to work and where he is to travel. These sessions also provide the subjects to be covered by the academic seminar sessions.

The period of programing covers 125 days, and the time is divided as follows:

7 days—Washington, D.C., national seminar sessions.

35 days—Academic seminar period at Indiana University Department of Journalism.

12 days—Group travel with special seminars in cities like Atlanta, Miami Beach, Detroit, Chicago, New York.

21 days—First internship assignment.

21 days—Second internship assignment.

24 days—Period for independent travel around the United States.

5 days—Final seminar period at Indiana University for evaluation of American experiences.

Programing is designed to give each participant the greatest possible exposure to the American way of life; provide extensive opportunities to see democracy in action on national, state, and local levels; and examine at close range the workings of a free press in all areas of American life.

WASHINGTON, D.C. SEMINAR PROVIDES BRIEFINGS

The group assembles under Indiana University direction for the first time in Washington, D.C. At this time the journalists have an opportunity to meet State Department officials concerned with their stay in America. Later, they are introduced to some of the outstanding personalities in the national capital who are important from the standpoint of world news. Major government and military officials give briefings on such topics as United States foreign policy (political, economic, and military), the foreign aid programs, the space race, atomic energy and its uses for war and peace, civil rights in the United States, and the problem of racial discrimination (a recurring front page story in many foreign countries). The participants attend sessions of both houses of Congress, confer informally with senators and representatives, take part in presidential and state department press conferences, and interview cabinet members and other officials concerning problems of particular interest to their own countries.

Following the Washington, D.C. sessions, the group flies to Indiana University for a five-week examination of American life and culture. The academic phase of the program begins early in September, before regular university classes are in session. Classes are designed especially for the foreign group and consist of seminars, group discussions, lectures, and laboratory periods. Faculty members for this phase are drawn from the departments of journalism, economics, government, sociology, business, law, and history.

ALL SECTIONS OF U.S. ON TRAVEL-WORK SCHEDULE

At the end of the academic sessions members disperse for independent travel and work assignments. Individual schedules are carefully planned in advance so as to acquaint the foreign journalists with the various geographical sections of the United States and the major cities and places of interest. In addition, they are assigned for two periods of three weeks each to work on newspapers, on magazines, with advertising agencies, or in the news departments of radio and television stations. Thus they become acquainted with American journalistic methods through a period of detailed observation. Cooperating with Indiana University on this phase of the program are 200 organizations in 42 states who provide the work assignments and internships as well as arranging housing and social contacts. Even when traveling alone, there is, under this arrangement, little opportunity to become lonesome. One journalist wrote: "The project director warned us that the pressures of social entertainment and dining our way across the United States might 'kill us off.' How right he was! And what a delightfully pleasant way to die!"

As soon as stories about the participants appear in newspapers, they are invited to appear before church groups, international societies, and service clubs. During the holiday season they are guests in family homes for Thanksgiving, Christmas, and New Years. Every man finds himself in demand as a speaker at high schools and colleges, civic organizations, and churches. All are encouraged to accept such invitations because they provide the opportunity to meet large numbers of people and to discuss problems with them.

At the end of the four and one half month's study-travel-work schedule, the journalists reassemble at Indiana University to evaluate what they have seen and learned about the United States, and to exchange views and experiences with the other participants. Confusions are "ironed out," misconceptions corrected, and the "total experience" is given a sense of perspective. The basic aspects of American philosophy are again emphasized—free speech, free press, democratic principles, rights of the common man, ethical and moral values.

HONEST APPRAISAL SOUGHT IN EVALUATION SEMINAR

The high degree of success achieved in reaching the goals of the program is evidenced by the spirited and open discussion of ideas during the final evaluation seminars. The journalists usually feel that they have secured an honest appraisal of the American way of life—actually seen democracy in action. And they feel better qualified to interpret American views and policy to the news media of their respective countries. They understand that this policy is based on freedom to think, to speak, and to write as a cornerstone of a literate, democratic, and responsible society.

As more and more of the participants of this Indiana University Multi-National Foreign Journalists Program return to positions of importance in the journalistic media of their home countries, it is hoped that a fairer and more accurate picture of Americans will gradually emerge from the presses of these countries—with a resultant improvement of "the American image abroad."

AMERICAN FIRM CHARTERS FOUR FOREIGN BULK VESSELS

Mr. BREWSTER. Mr. President, an article by Helen Delich Bentley in the

June 14 issue of the Baltimore Sun reported an unfortunate event that I have predicted for a long time: an American steamship company has contracted to charter four bulk vessels now under construction in Japan.

The subsidies that Central Gulf Steamship Co. has sought since 1957 did not appear to be forthcoming, so the company had but to look to Japan for ships. Any other course would have driven Central Gulf out of business.

As the vice president of the company is reported as saying:

We can't afford to build new ships in the United States without Government assistance. . . . but we have to have new tonnage available to us or we'll be out of business.

It is impossible to charter new American ships because there are so few modern ones under our flag.

Mr. President, as I have said many times before, this sort of situation is symptomatic of the real merchant marine crisis facing this country. As I have also said, unless the Federal Government begins to take positive, comprehensive action, the situation will get worse, not better.

Mr. President, I ask unanimous consent that the article I have cited be printed in the RECORD.

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

FIRM PLANS TO CHARTER FOUR BULK SHIPS—CENTRAL GULF DUE VESSELS UNDER CONSTRUCTION IN JAPAN

(By Helen Delich Bentley)

Another American steamship company has avoided the problems inherent in building and registering ships in the United States by contracting to charter four bulk vessels now under construction in Japan. They will be registered under a foreign flag.

"We can't afford to build new ships in the United States without Government assistance, we can't own foreign ships, but we have to have new tonnage available to us," explained Niels W. Johnson, vice president of Central Gulf Steamship Co., "or we'll be out of business."

Johnson added that his company applied in 1957 for subsidies in order to build replacements for its fleet of ten World War II ships now registered under the American flag. However, no action has been taken on the application by the Maritime Subsidy Board.

A "TOKEN MOVE"

There was a "token move" of a kind which indicated that there was some consideration being given the application in 1960, but the proposal is still before the Maritime Administration as are requests from other unsubsidized companies who feel they are being forced into foreign-flag operation because of the attitude in Washington and the failure of the Administration to take firm steps towards expanding the American merchant marine.

The four ships which Central Gulf will charter will operate in bulk trades away from the United States—on a "non-contiguous basis."

SHOULD BE BUILDING

Johnson commented that it was impossible to charter new American ships because there are so few modern ones under the Stars and Stripes. About 85 percent of the American merchant marine was built during World War II.

"Right now this country is sliding through with rust buckets but this cannot go on forever," he added.

"We should be building new ships right now in this country and we're all for building all we can here, but we cannot afford to do it without Government assistance. If the United States Government or Congress is truly interested in American-flag shipping, then they should make funds available so that American shipyards can compete on a worldwide basis."

Johnson pointed out that it was difficult enough now to operate with the old American ships and yet there is legislation pending, as well as military directives, which will make it almost impossible to continue under the American flag with any kind of a vessel, new or old.

Ten days ago States Marine Lines issued invitations to 36 shipyards around the world—26 foreign and 10 American—to bid on the construction of four 15,000-deadweight ton freighters for operation under the American-flag.

States Marine and its subsidiary, Isthmian Lines, have had applications filed for subsidies for 10 years. Together they now own 49 American vessels and usually charter an additional 30 to 40 bottoms registered in this country.

Central Gulf was chartered in 1947 by Niels F. Johnson, president, the younger Johnson, "and associates."

In addition to its own ten American-flag ships, the steamship firm charters seven or eight other American vessels and twelve to fourteen foreign ones.

DEVELOPMENT PROGRAM FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. INOUYE. Mr. President, the Congress has been asked to authorize a 5-year $172 million development program for the Trust Territory of the Pacific Islands.

There are many reasons why this program is essential if we are ever to take pride in our administration of this vast area in the Pacific.

From time to time, I will take the opportunity to bring some of these reasons to your attention.

Today, I should like to call your attention to an editorial published in the Marshall Islands Journal, a mimeographed newspaper which bills itself as "the Marshall Islands only free press."

Like all good newspapers, the Marshall Islands Journal seeks to keep its readers well informed on the issues of the day.

The following editorial deals with a school in Majuro where the newspaper is published. If there are no objections, I ask that the editorial be printed in full.

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

EDITORIAL

Rita Elementary School at Majuro had no graduation ceremony this year. Maas Hone, principal, said, "The students didn't want to have graduation."

The students boycotted the graduation ceremony.

By some inadvertent action an announcement was made over the radio naming the 18 Rita students who were accepted into the High School for next year. The announcement was made prior to graduation. The 69 other students in the graduating class did not want to appear in public in a ceremony that tended to honor them when the public had been told they were not accepted by the High School. Even more, they had lost the keen edge of interest—the government had said that they must end their education with the 8th grade.

It is to be regretted that the school year and the formal education of so many good students ended on a note of deep sadness. One of the graduates with a ticket to High School said, "See that girl. She is smart, very quick. But she can't go to High School." "I didn't want to graduate," said the young lady with an acceptance to two high schools, "I felt very sad that the others couldn't go on to school."

So it is that many young boys and girls know sorrow; 69 know also a point of despair. Their future—in terms of their hopes is bleak—in terms of their potential is wasted.

The students could be criticized for their boycott of the important affair. But we are inclined to praise the rebels. Their action highlights a very real community need—the need for more high school classrooms and teachers.

The courage of the students in refusing to participate is fine; their anger at the situation is commendable. We are encouraged by such. The community now knows that they want an education.

There are undercurrents of anger at other problems in the Rita School. We feel that the students ought to be heard, that an investigation ought to be made and that solutions be found.

The needs of this district demand more high school teachers and more high school classrooms—they demand them now. To fail in meeting these needs is to waste the human potential of our youth.

The students boycotted the graduation ceremony. We commend them and trust their quiet protest brings effective action to bear on the problems they face.

OUR NATION'S ROLE IN THE DEVELOPMENT OF THE COUNTRIES OF AFRICA

Mr. McGEE. Mr. President, last May 26 President Johnson, speaking on the third anniversary of the Charter of the Organization of African Unity, gave renewed recognition to our Nation's role in the development of the countries of that continent and the fulfillment of the aspirations of the African peoples for freedom, self-governments, and economic progress.

Again, the President demonstrated the policy of our Government that our commitment to freedom is worldwide. While the conflict in Vietnam quite naturally compels our close concern, the President has made it clear that resistance to armed aggression in southeast Asia, or anywhere else, should not deter us from equally important objectives in other parts of the world where human progress can be achieved and U.S. interests thereby served.

Such an objective has now been focused on the continent of Africa, where 37 free nations—most of which have emerged from colonialism only in the past 15 years—have begun the process of building political and economic systems under the most adverse circumstances.

It is to these nations that the President has again extended the hand of friendship from the American people.

Friendship between a great world power and a struggling country where independence is a new concept must involve far more than sympathy and moral support. It must involve generosity and enthusiasm on the part of the United States to assist each of these nations in determining its own destiny as a self-governing, contributing member of the world community.

And it must also involve the patience to understand that our efforts will not produce miracles, nor even the assurance that our assistance will be universally accepted. We face in Africa a period of adjustment not unlike the turbulent periods of our own early history and the histories of other Western nations in their quest for self-determination.

The President has given our Government the guidelines for broader assistance to Africa—aid in regional economic activities, in the education of African students, in developing an effective communications system, in building an internal transport network and greater electric power capacity. In effect, he has mobilized the minds and talents of our Nation toward new initiatives in responding to African needs. At the same time, he has expressed in unequivocal language our support of self-determination and an orderly transition to majority rule.

He emphasizes that growth in Africa must stem from African leadership, and that our role is one of providing the extra resources to help speed this growth.

It is to the response from the nations of Africa that I address myself today.

With the assistance of the Department of State, I have compiled a number of press comments from Africa which indicate that the President's speech struck a favorable chord in African-American relations.

Predictably, some of the African reaction is cautious. Predictably, also, the President has been criticized by some newspapers in South Africa and Rhodesia. But the news accounts and editorials in other parts of the continent, coupled with diplomatic reports and private communications to the President and the State Department, give evidence that the door is open for much closer political and economic cooperation with the countries of Africa. These countries are eager to see how the great resources of the United States can be brought to bear in this challenging enterprise. As a government and a nation, we have an immense responsibility to carry forward the objectives advanced by the President.

Here are examples of the African reaction:

The newspaper Le Temps du Niger in Niamey quoted President Diori of Niger as saying that his greatest impression was President Johnson's remark that "if it takes self-determination to become a free nation, it also takes a climate of growth to remain one."

The Ministry of Information in Nigeria issued a press release highlighting the President's promise that the United States would help African growth "in a pattern that followed the aspirations of the African people." Two newspapers in Lagos, Nigeria, printed the President's speech in full. One of the headlines said, "The United States Will Not Support Racial Inequality."

The newspaper Uganda Argus in Kampala, Uganda, editoralized that the United States has "the greatest chance not only of making and keeping sincere friends, but also of helping to bring forward an area of the world which has too long been either neglected or exploited." The newspaper said the President's speech "struck a note of sincerity. It was a strong appeal for cooperation between two continents and a generous recognition of what Africa can do for America." The commentary ended on the note that if "these and similar sentiments" can be translated into policy, "there is every reason to look forward to a strengthening of the good relations between the peoples of Africa and America."

A newspaper in Tunis headlined the news account of the President's speech in this manner: "President Johnson's Remarks on the Occasion of Africa Received With Satisfaction."

The Standard in Dar es Salaam, Tanzania, headlined its story, "United States Will Not Back Minority Rulers."

Both English-language newspapers in Ethiopia carried the speech in full. Great interest was expressed in the fact that the President has assigned U.S. Ambassador Ed Korry to work full time on following through the initiatives advanced in the speech.

The Ghanaian Times in Ghana commented that "all sensible Africans will welcome President Johnson's program more than any shipments of arms as aid to African countries." The commentary continued:

> Developing an effective communications system is perhaps most important. It is important not only because it will increase substantially intercontinental trade and commerce, but also it will be a means by which we shall learn more about one another.

The Accra Daily Graphic in Ghana headlined an editorial, "America Cannot Condone Injustice," and quoted the President on U.S. unwillingness to support policies based on the rule of minorities. The Evening News in the same city noted that "the President is on unmistakably sound ground in emphasizing the need for regional cooperation in Africa and in projecting American assistance within that context." The President's address was also carried by Ghana television.

As a footnote to these African commentaries, I was interested in a remark by a newspaper in Khartoum, Sudan, to the effect that "some malicious journalists" thought that the President discussed Africa to avoid the Vietnam issue.

I thought it would be of interest to the Senate to relate some of these news stories and editorials in the aftermath of President Johnson's speech. His purpose was to remind both the people of Africa and of the United States that we share a world in which cooperation among nations is essential to progress, and that this Government's responsibilities to its neighbors in Africa must be expanded in a way which will promote lasting growth.

The President's pledges to Africa will require great skill on the part of our Government before they are translated into positive accomplishment. It is my belief that the Congress should, and does, support the administration in these objectives for an Africa which will expand its economy while growing with equal vigor in the values of human freedom.

I would underscore one particular statement which the President made to the African Ambassadors in his speech of May 26:

> As we have deepened our relations with you, we have learned that Africa has never been as dark as our ignorance of it; that Africa is not one place and one people but a mosaic of places and peoples with different values and different traditions; that the people of Africa want to decide for themselves the kind of nations they wish to build."

RECOGNITION FOR DR. ELMER ELLIS, A GREAT UNIVERSITY PRESIDENT

Mr. SYMINGTON. Mr. President, in recent days Dr. Elmer Ellis is being honored by the educational community, not only in Missouri but from all over our Nation, for the outstanding dedication and achievement of his tenure as president of the University of Missouri.

Dr. Ellis came to the university as a history professor in 1930, subsequently served 9 years as dean of the college of arts and sciences, was acting president in 1953 and was elevated to the presidency in 1954.

In these 12 years, progress at the University of Missouri has been remarkable, due in large measure to the personal interest and dedication of Elmer Ellis.

Our student body has doubled in size—our university library has developed into one of the top 10 university libraries in the Nation—a new and rapidly growing research program includes the largest nuclear research reactor on any university campus in the Nation. Perhaps the most outstanding achievement of Ellis' tenure has been the expansion of the university to encompass four separate campuses, adding both St. Louis and Kansas City to those at Columbia and Rolla, and branches of the university's extension service in every one of our 114 counties.

Dr. Ellis will retire from the presidency on August 31, but the momentum and excellence he has contributed to the University of Missouri will remain as an eloquent tribute.

I ask unanimous consent that a statement outlining in greater detail the major accomplishments of a truly great university president, Dr. Elmer Ellis, be inserted at this point in the RECORD.

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

COLUMBIA, Mo., June 1.—Dr. Elmer Ellis, who retires from the presidency on Aug. 31,

will have an impact on the University of Missouri that will last for several decades.

Because he has selected a corps of youthful chancellors and deans and because he instigated long-range research programs that all but stagger the imagination, the Ellis tradition will permeate the campus through several generations of students.

The modest University president is being honored throughout the University system in his final months as administrator. He was the guest at a dinner at the University of Missouri at Rolla; the Columbia faculty paid respects at a program and reception; the Board of Curators will have a dinner for President and Mrs. Ellis in St. Louis June 24; and he will be honored with a reception at the University of Missouri at Kansas City where he gives the commencement address on June 4.

While he will confer degrees upon graduates at two more commencements in Columbia, the approaching June 7 graduation program that closes the current academic year will build in added nostalgia for the "Class of '66" because in a sense it turns all but the last page on the Ellis book. He will receive the title of emeritus president from the Board of Curators. He will remain on campus as administrator until August 31, and will be the president through the summer session commencement Aug. 5. The June graduating program is certain to mark a climax to his career.

President Ellis reaches the mandatory retirement age for administrators of 65 on July 27 and will be succeeded as chief administrative officer of the University system on Sept. 1 by Dr. John C. Weaver, vice president for administrative affairs at Ohio State University.

Historians may point to development of the University into a four-campus system as the top achievement of the Ellis administration that included 11 years as president after one year as acting president.

Notable and herculean that task was. It elevated the School of Mines and Metallurgy at Rolla to full university status; it converted the private University of Kansas City into a state-operated University of Missouri at Kansas City; it expanded the old Bellerieve Country Club at Normandy into an extension center and then into a full-blown University of Missouri at St. Louis.

At the same time the University here and at Rolla was being enhanced as a graduate training and research center without stinting on its undergraduate program. It expanded an Extension Service by adding emphasis on urban activities atop its rural programs.

But other facets of the Ellis years may have equal or greater importance to education in Missouri.

President Ellis carried his interest in the University Library from his professorial days through a deanship into the presidency and the result is one of the few university libraries with more than 1,000,000 volumes. Students make free selection in open stacks; a unique computer system of checking out books attracts international attention. Under President Ellis' administration the 50-year-old library building was finally completed and includes quarters for the State Historical Society of Missouri, whose collections enhance campus research activities.

Another program dating back to his nine years as dean of Arts and Science also was expanded on a broader scale as president. As a professor he realized the problem; during a year as vice president of extra-divisional education he laid its foundation; and as dean he began an intensive program for the improvement of teaching. He received a $50,000 grant from the Carnegie Foundation for the Advancement of Teaching to help him improve teaching in colleges and universities. One result was a in-service training program that is still in operation at the University.

One phase of the Ellis years will be carried into the future because he had a strong voice in selection of most of the chancellors and deans that will continue as high administrative officers through their careers. It is unlikely that the University has ever had a corps of deans so youthful: some could well be here for decades. And they carry the Ellis legacy that will affect the quality of faculty members through countless generations of students.

Dr. Ellis considers his staff of chancellors and deans as "top notch" and considers himself "lucky" because he never picked a "lemon!" The admiration is mutual. Inquire of most of the deans secured off campus and you'll learn that it was the Ellis magnetism and enthusiasm that interested them in switching allegiance to Missouri.

In considering the Ellis legacy the expanded research program can't be ignored. M. U. scientist are working on projects for colonizing the moon and planets through the Space Sciences Research Center; it has a long-range study under way of determing the things man does to his environment that affect his health; in the largest campus nuclear reactor in the nation faculty and students are learning more about the smallest of particles, the neutron with its protons and mesons; the possible realignment of genes in plants, animals and man.

Back in his days of teaching history, interspersing the serious with Peter Finley Dunne "Mr. Dooley" quotes—and with Mrs. Ellis at times in the classroom as a critic—Dr. Ellis never dreamed of being president to a student body of 33,500, of administering a $70 million a year program, of enrollment more than doubling and expenditures more than quadrupling during a 11-year administration.

Dr. Ellis' plans for the future aren't complete. While he is retiring as administrator, he could have five more years of University tenure as professor of history. But he believes he has been too long out of the classroom to resume an instructional role. But he will remain in Columbia—he and Mrs. Ellis will move from the President's house into a home they recently purchased—and will have offices in Jesse Hall. And his talents will be used.

President-elect Weaver has indicated he will arrive in Columbia about Aug. 1, and has requested President Ellis to remain on campus that month to help him become acquainted with his staff and duties.

After retirement, Dr. Ellis wants to write a book on administrative problems of university systems. He will collect data on short trips to California, Wisconsin, New York, North Carolina and perhaps other states, talking with administrators, legal counsels, faculty members and others to assemble the material.

He would like to assist with the proposed Missouri state capital improvement bond issue that is under consideration and will be available to lend from his experience with the similar 1955–56 campaign he directed.

A native of McHenry county, North Dakota, who took two degrees from the University of North Dakota and a doctorate at the University of Iowa, Dr. Ellis taught in North Dakota public schools and three years at the North Dakota State Teachers College at Mayville. He was lecturer for two years at the University of Iowa. He came to the Missouri faculty in 1930 where he remained without interruption except for leaves. He had a sabbatical leave and a Guggenheim fellowship in 1939–40; spent two years of duty with the historical branch of the War Department General Staff of the Army; he was visiting lecturer under a Fulbright grant at the University of Amsterdam in 1951–52, and on the faculty of the Salzburg Seminar of American Studies in 1952.

Upon retirement of President Frederick A. Middlebush, Dr. Ellis became acting University president on Sept. 10, 1954, and was selected by the Board of Curators for the presidency on the following April 16.

Since that time he has made trips to England, Canada and Japan as representative at international meetings of the Association of American Universities. He spent six weeks in India on an inspection of the University's agricultural education advisory unit there.

Time magazine recently said that the University's upward reach "began in 1954 with promotion of Ellis . . . to the presidency." Tracing University growth and vigor under Ellis, it added that "Whether Missouri now moves into the top rank of public universities will depend largely on John Carrier Weaver."

Other national magazines have helped tell the M.U. story and added to national recognition of Dr. Ellis. He obtained professional recognition through election to presidencies of the National Association of State Universities and Land Grant Colleges; of the National Council of Social Studies; of the Mississippi Valley Historical Association; of the Mid-America Association of State Universities; of the National Commission on Accrediting; of the Harry S. Truman Library Institute for National and International Affairs, and of the Missouri Association of Colleges and Universities.

He was selected by former Gov. Phil M. Donnelly to head the state campaign for passage of the $75 million state capital improvements bond issue which voters approved in 1956. He has honorary degrees from North Dakota University, Central College, Drury College, Washington University of St. Louis and Culver-Stockton College. He has a pro meritis award of Rockhurst College.

All of which help explain remarks by Dr. Weaver about Dr. Ellis when he was chosen as his successor:

"His footprints were large and it will be extremely difficult to fill his shoes."

TAX OMBUDSMAN

Mr. LONG of Missouri. Mr. President, on May 12, Senator MAGNUSON and I introduced a bill (S. 3344) to establish a Small Tax Division within the Tax Court of the United States. I am happy to report that 51 other Senators have joined us in cosponsoring this bill.

As stated on the floor of the Senate, this bill would create an ombudsman, in the form of regional small tax commissioners. Taxpayers who have been assessed a deficiency less than $2,500, or who claim a refund from the Government of less than $2,500 may go to the Small Tax Commissioner for relief.

Our taxpayers need some form of ombudsman to fight the proverbial city hall, and perhaps the new commissioners will assume this role. It is heartening to see the very favorable response which this bill has received, and it is hoped that hearings before the Senate Committee on Finance will be scheduled at the earliest possible time.

I ask unanimous consent to insert, at this point in the RECORD, S. 3344, a bill to establish a Small Tax Division within the Tax Court of the United States.

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

S. 3344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter C of chapter 76 of the Internal Revenue Code of 1954 (relating to the Tax Court) is amended by adding at the end thereof the following new part:

"PART IV—SMALL TAX DIVISION

"Sec. 7476. Small Tax Division.
"Sec. 7477. Procedure; commissioners.
"Sec. 7478. Decisions of Small Tax Division.

"Sec. 7476. Small Tax Division.

"(a) IN GENERAL.—There is hereby established, within the Tax Court, a Small Tax Division (hereafter in this part referred to as the 'Division'). The chief judge of the Tax Court shall from time to time assign one or more judges of the Tax Court to the Division and shall designate a chief judge of the Division.

"(b) JURISDICTION.—

"(1) DEFICIENCIES.—Any taxpayer to whom is sent a notice of deficiency in respect to any tax imposed by this title may, if the amount of such deficiency (not including interest) does not exceed $2,500, file a petition with the Division for a redetermination of the deficiency. Any such petition shall be filed within the time prescribed by this title for filing a petition for the redetermination of a deficiency by the Tax Court. The Division shall have jurisdiction to determine the correct amount of the deficiency to the same extent as in the case of petitions filed with the Tax Court, except that the Division shall not have jurisdiction to determine a deficiency (not including interest) in excess of $2,500.

"(2) REFUNDS.—Any taxpayer who has filed a claim for refund of any tax imposed by this title with the Secretary or his delegate and whose claim has been disallowed (or disallowed in part) may, if the amount of such claim (not including interest) does not exceed $2,500, file a petition with the Division for the allowance of such claim (or for the part of the claim disallowed by the Secretary or his delegate). Any such claim shall be filed with the Division within the time prescribed by law for commencing a suit for recovery of such tax. The Division shall have jurisdiction to allow, in whole or in part, the amount of such claim, except that the Division shall not have jurisdiction to allow any refund of any tax (not including interest) in excess of $2,500.

"Sec. 7477. Procedure; Commissioners.

"(a) RULES OF PRACTICE AND PROCEDURE.—The proceedings of the Division shall be conducted in accordance with such rules of practice and procedure as the Tax Court may prescribe. The provisions of part II of this subchapter shall apply with respect to proceedings of the Division only to the extent provided in such rules. Nothing in such rules shall preclude a taxpayer from representing himself in proceedings before the Division.

"(b) COMMISSIONERS.—

"(1) APPOINTMENT.—The Tax Court is authorized to appoint, without regard to the civil service laws and regulations, such number of commissioners, not exceeding 20, as may be necessary to carry out the functions of the Division. Each such commissioner shall receive compensation at the rate prescribed by law for commissioners of the Court of Claims, and shall be subject to removal by the Tax Court. No person who has served as an officer or employee of the Internal Revenue Service shall be eligible for appointment as a commissioner until five years after he has ceased to be such an officer or employee.

"(2) DUTIES.—Under the supervision of the chief judge of the Division, the commissioners shall conduct all proceedings before the Division, and shall perform such other duties as the Tax Court may from time to time direct. The commissioner who conducts the proceedings on a petition filed with the Division shall render a decision thereon which shall be reviewed by a judge of the Division and which shall be final unless reversed or modified by the reviewing judge.

"Sec. 7478. Decisions of Small Tax Division.

"(a) FINALITY OF DECISIONS.—There shall be no review of, or appeal from, any decision of the Division.

"(b) TREATMENT AS DECISIONS MADE BY THE SECRETARY OR HIS DELEGATE.—A final decision of the Division shall be treated as a final decision of the Secretary or his delegate for purposes of the provisions of this title and all other laws of the United States, including (but not limited to) the provisions relating to—

"(1) redetermination of deficiencies by the Tax Court,

"(2) suits for recovery of taxes erroneously or illegally collected, and

"(3) suits for recovery of taxes erroneously refunded.

"(c) FURTHER PROCEEDINGS BY THE UNITED STATES.—In any case in which—

"(1) the Division has determined the amount of any deficiency to be less than the amount determined by the Secretary or his delegate, and

"(2) the Secretary or his delegate certifies to the Tax Court that the decision of the Division involves a substantial question relating to the validity or meaning of a provision of this title or of the regulations prescribed thereunder,

the Secretary or his delegate may file a petition with the Tax Court for a redetermination of such deficiency. The Tax Court shall have jurisdiction to redetermine the amount of such deficiency to the same extent and in the same manner as if such petition had been filed by the taxpayer. In any proceeding commenced by the Secretary or his delegate under this subsection and in any proceeding commenced in any court for recovery of any amount allowed as a refund by the Division, the United States shall be liable for all court costs and shall pay a reasonable fee to the person or persons representing the taxpayer in such proceeding."

(b) The table of parts for subchapter C of chapter 76 of such Code is amended by adding at the end thereof the following new item:

"Part IV. Small Tax Division."

SEC. 2. The amendments made by this Act shall take effect on the 180th day after the date of the enactment of this Act, except that the provisions of sections 7476(a), 7477(a), and 7477(b)(1) of the Internal Revenue Code of 1954 (as added by this Act) shall take effect on the date of the enactment of this Act.

CAN DEMOCRACY KEEP UP WITH THE SPACE AGE?

Mr. McGEE. Mr. President, for several years it has been my good fortune to be able to conduct for the graduating high school seniors in my State of Wyoming the McGee Senate Internship contest, which brings back to Washington one boy and one girl for a week of observing democracy in action—here in the Senate and in Washington.

As a part of the contest each student is required to complete an essay on "Can Democracy Keep Up With the Space Age," and each year I am impressed with the depth of understanding and the dedication to our democratic principles displayed by these young people in their essays. All show real thought and a thorough knowledge of our system of government.

Of course, it would be impossible for everyone to read all these essays, but I think some of the most outstanding ones selected by an impartial panel of three judges should receive wider circulation, and I ask unanimous consent that two of these essays, written by Miss Karen Elaine Luond, of Casper, Wyo., and Glen Edward Garrett, of Cheyenne, Wyo., which received honorable mention in the McGee Senate Internship contest, be printed in the RECORD.

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

DEMOCRACY FOR TOMORROW

(By Karen Luond, Casper, Wyo.)

"The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty . . . We are but the champions of mankind. We shall be satisfied when those rights have been made as secure as the faith and the freedom of nations can make them."—Woodrow Wilson, War Address to Congress, 1917.

Does democracy have a place in today's world? Will the "tested foundations of political liberty" crumble under the earthquake of unfavorable world opinion? Is our role as champions of mankind justifiable? Can democracy meet the challenge of the space age?

Today's world is holding democracy on trial. Because free people are searching for the best way of life, questions are being asked of democracy. They are searching questions, interrogative octopi, groping for the truth. The answers to these questions lie in our actions in world problem centers. In South America, in Rhodesia, in India, France, Cambodia, black Africa, Selma, or New York City, in Viet Nam, in every part of the world, democracy is waging a battle against suppression. It is contending to make certain rights "secure as the faith and freedom of nations" can make them. All of these certain rights can be included in one phrase, which is the key to the future of democracy in the space age: freedom of the individual. Thomas Jefferson, one of the framers of our country's history of justice and democracy said, "The people are our only sure reliance for our preservation of our freedom." But why would the freedom of our people endure even if all of the documents which guaranteed that freedom were burned? Why does the liberty of the individual hold the door of the future open to democracy? One main social idea in government systems of the people answers these two questions; it is individual initiative.

Because of individual initiative, competition through free enterprise advances our country. In our free enterprise system, companies vie with each other for advancement and better products. In the space age, Motorola, General Electric, Bell System, and other large companies work to find new ideas, new products, new advances for our future beyond our planet. Aircraft companies work to be the first to bring forth

a new perspective in missile satellite, and rocket building. By adding their new ideas to the ever growing advances being made in this field, they take the United States through one more lap in the race for space. In a system in which individual initiative is suppressed, competition, as such, is non-existent. Everyone is working for the government, with no reason to try to be first, for there is no competition. The freedom of the individual, and any real reason for him to try to succeed is nil.

In the United States of America, where the liberty of each and every person is predominant, one can strive to get ahead, to better one's present state, to find a goal and strive for it. I do believe that a governmental system which can show through actions, not hallow promises, that the freedom of the individual to better himself prevails, can win the battle over suppression. Surely, the starving people of the world, upon seeing Presidents and other famous Americans, who have rooted themselves from the bonds of poverty, will picture their families with food on the table, instead of promises of food, with sons in school instead of promises of schools. Surely, the people oppressed by unstable governments and cruel dictatorships will look to a country in which the people have a say in the government, in which the governing powers are directly answerable to the people themselves. Surely, the people torn by a war in their country will see the American soldiers dying to maintain the freedom of the individual, fighting against soldiers who are only the tools of a government which is trying to gain land and power. The right of a man to try to reach a goal, to take care of his family, to compete to better himself, and thereby better his country, is the open door to the future of democracy. The freedom of the individual is the proof that democracy is the only form of government which can keep up with the space age.

CAN DEMOCRACY KEEP UP WITH THE SPACE AGE?

(By Glen Edward Garrett, East High School, Cheyenne, Wyo.)

As the first orbit of Sputnik I shocked our world into a new era of challenge, the space age, doubts arose as to the ability of a democratic form of government to compete with communism. After all, communism is relatively modern compared to democracy, and perhaps, it is better suited to meet the challenges of the space age. In their initial triumph on space, the Russians presented the United States with this new era's most obvious challenge—the challenge of technology. Not only did democracy prove its ability to compete in a modern world, but also it met and surpassed the initial challenge of the space age. Since Sputnik I the United States has exceeded the Russians in the number of both manned and unmanned satellites. This technological demand, however, is only the superficial challenge facing the United States in the space age. Underlying the surface demand of the space age is a challenge that the United States must meet as the most powerful nation.

What is this challenge? In any situation where power over men is concerned, the most important challenge to be met is that of responsibility. Moreover, in an age where man has created the power to move mountains to dig rivers, or to destroy the world, the necessity of responsibility is magnified. Because the people rule in a democracy, the people accept the responsibility of not annihilating themselves and; therefore, democracy is the most responsible form of government. For this reason and the fact that most of the nuclear weapons in the world are controlled by the United States, democracy must survive in this new era in order that responsibility to the people survive. Can democracy keep up with the space age?

To answer this question at this point would be similar to saying our government was obsolete when the communists succeeded in orbiting the first satellite. The fountainhead of democracy of both the space age and of democracy must be singled out and examined. Only after the roots of each have been discovered can we answer our question.

The words "space age" bring to mind many terms that one might attribute to its existence. Atomic energy, satellites, technology, and computors are only a few of the numerous innovations which have been either separately or collectively credited for creating the space age. These innovations, however, are not the prime cause for the age of space. Within each of these so-called causes can be found one common element which is actually responsible for our new era. Everything in the space age is really only a result of the accumulated knowledge of man. For example, consider the origin and the events that led up to the one invention to which most people credit the space age. This invention, of course, is the modern missile but it may be traced back to the bicycle. In 1895 two bicycle manufacturers became interested in the problems of flying. Perusing their interest they increased their knowledge through books, wind-tunnel experiments and study of the flight of birds. Finally, in 1905, their accumulated knowledge in aerodynamics allowed the Wright brothers to make their debut at Kittyhawk with the first successful airplane flight. From this initial invention the airplane improved as the knowledge of man increased in other fields. The expansion of knowledge led to improvements in engines, materials and designs. Through all these advancements the airplane evolved into the V–I or the buzz bomb of World War II. A short time later increased German knowledge introduced the V–2, which was the first rocket as we think of rockets today. Greater knowledge of chemistry, aerodynamics, radio communications, and of many other sciences led to the development of our present day missile which officially launched us into the space age. As can be seen, the space age is actually nothing more than an outgrowth of the knowledge of man.

In a similar manner we can dissect democracy to find the element responsible for it. Democracy has several connotations, such as "government of the people, by the people and for the people," or "life, liberty and the pursuit of happiness." Freedom, the individual and independence are also associated with the word democracy. Yet all these factors, freedoms and rights of democracy compose our right to vote. In voting, free speech, the right to assemble, the freedom of the press and our other rights go into action. In our modern concept all people must share the right to vote in order to have a democracy, but this right has not always been shared equally in our country. This being true, how is it that our country has always ben a democracy? An examination of this one element of democracy—the right to vote—should reveal why there is democracy in our country.

Looking back to the beginning of democracy in America one would expect to find it in its purest and most untouched form. On the contrary, one finds quite the opposite. In the eighteenth century voting was restricted to white, male, landowners. This seemingly unfair class of voters, however, included most of the educated people of that time. Women, non-whites, and non-landowners had little or no chance of obtaining an education, and likewise, our founding fathers did not allow them to vote. These educational voter requirements, along with literacy tests, indicate that the founders of our country felt that knowledge is the strength of democracy and that only through knowledge can democracy survive. The rights of voting, however, expanded as knowledge expanded to more classes in America. As women, non-whites and non-landowners gained educations, they similarly gained the right to vote. By its very virtue, knowledge contains a certain responsibility. Thus, a democracy in America having only educated voters is naturally responsible as a form of government. Today, when all classes of citizens possess knowledge, all classes possess the right to vote. Democracy, as we know it today, is purer than it was when our ancestors first acepted its principles. One can see that democracy, like the space age, is actually an outgrowth of knowledge.

When knowledge is used in a democracy, it is used "by the people and for the people." In the space age, survival depends upon the responsible use of knowledge found in a democracy. Yet at the same time, democracy depends upon the continuing expansion of the knowledge of man, and the space age will provide this expansion. Each can work with the other for the advancement of both. Because both democracy and the space age are the offspring of man's knowledge, democracy not only can but must keep up with the space age.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

COTTON RESEARCH AND PROMOTION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1238, H.R. 12322, and that it be laid before the Senate and made the pending business.

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

The LEGISLATIVE CLERK. A bill (H.R. 12322) to enable cotton growers to establish, finance, and carry out a coordinated program of research and promotion to improve the competitive position, of and to expand markets for, cotton.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with amendments, on page 10, line 4, after the word "the", to strike out "initial order shall be $1 per bale of cotton handled, and such rate may not be changed except by further order duly approved by the Secretary on the basis of a hearing and subject to approval by cotton producers in a referendum pursuant to section 8" and insert "order shall be $1 per bale of cotton handled"; and on page 12, line 10, after "Sec. 8.", to strike out "The Secretary shall conduct a referendum among cotton producers for the purpose of ascertaining whether the issuance of an order is approved or favored by producers. No order issued pursuant to this Act shall be effective unless the Secretary determines that the issuance of such order is approved or favored by not less than two-thirds of the cotton producers voting in such referendum who, during a representa-

tive period determined by the Secretary, have been engaged in the production of cotton, or by cotton producers voting in the referendum who, during such representative period, have produced at least two-thirds of the volume of cotton produced by such producers." and insert "The Secretary shall conduct a referendum among persons who, during a representative period determined by the Secretary, have been engaged in the production of cotton for the purpose of ascertaining whether the issuance of an order is approved or favored by producers. No order issued pursuant to this Act shall be effective unless the Secretary determines that the issuance of such order is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the cotton produced during the representative period by producers voting in such referendum and by not less than a majority of the producers voting in such referendum.".

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum, without losing my right to the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALMADGE. 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. TALMADGE. Mr. President, the bill before the Senate today, H.R. 12322, is designed solely to help cotton farmers help themselves. Essentially H.R. 12322 would provide authority for these farmers to decide, in a referendum, whether they wanted to assess themselves $1 a bale on the cotton they produced. This would be used to finance additional cotton research and promotion, in an effort to encourage the increased consumption of cotton.

Mill consumption of cotton has been trending downward for some time. For example, for the 5-year period 1950–54, consumption averaged about 4.5 billion pounds, whereas during the 1960–64 period consumption averaged only 4.1 billion pounds, a reduction of almost 9 percent. During this same period, consumption of all fibers increased by about 8 percent.

This downward trend was reversed by the passage of the 1964 and 1965 one-price cotton laws. Senators will remember that these laws reduced the price of cotton to domestic mills to world price levels, whereas previously they had been paying from 6.5 to 8.5 cents above world market prices. This permitted cotton to become competitive pricewise with rayon and acetates. The table on page 5 of the report shows that the mill use of cotton, which has been trending downward, increased after 1963 by a substantial amount. On the other hand, mill use of rayon and acetate was slowed to about one-third the rate of increase since 1960.

The most significant change in the whole fiber picture in the United States has been the spectacular gain in the group of fibers which are known as noncellulosics. These are the higher priced synthetic fibers such as polyester, which is sold under the trade names of Dacron, Kodel, Fortrel, and so forth; acrylics which are sold under the trade name of Acrilan; and nylon. These fibers are priced three to four times higher per pound than cotton. But the consumption of these higher priced noncellulosic fibers now totals an amount equal to about 7 million cotton bales a year.

Mr. GORE. Mr. President, will the Senator from Georgia yield at that point?

Mr. TALMADGE. I am happy to yield to the Senator from Tennessee.

Mr. GORE. I was wondering whether the per-pound price is the best means of comparison of the value and the amount of yarn contained? I seek only information.

Mr. TALMADGE. I do not believe so. I believe that the big problem here, let me say in response to the Senator from Tennessee, is the fact that they are spending some $200 million a year to promote the utilization of synthetics and for research, whereas the cotton farmers are spending only approximately $4 million a year so that they are being outspent by about 50 to 1 in that regard.

As the Senator knows, the American people are susceptible to advertising. When a product is advertised, results are obtained. Here is a magazine called Seventeen. There appear some 50 advertisements in this magazine relating to synthetic fibers which cost up to 80 cents a pound. In the same magazine, there is very little advertising which relates purely to cotton.

Thus, the Senator can see what a tremendous job these giant corporations—and there are about nine of them which produce approximately 90 percent of the manmade fibers and synthetics—are doing when they advertise their product, research their product, or promote their product, while the cotton farmers are spending only $4 million a year.

Mr. GORE. I can also see some very beautiful models are used in the advertisements the Senator is showing me.

Mr. TALMADGE. There are, indeed. Of course, the Senator knows that beautiful models will also sell a product.

Mr. President, during the last 2 years alone, the increase in the consumption of these fibers has amounted to more than 2 million bales of cotton. These fibers are used on the cotton-spinning system.

While cotton was selling for about 24 cents per pound during this last year, orlon sold for about 80 cents per pound, dacron for 84 cents per pound, and nylon for 88 cents per pound. Obviously something other than price has caused this sharp increase. If these fibers competed with cotton on the basis of price alone, they would not have been gaining markets at the expense of the lower priced cotton and rayon.

Generally speaking, competition between fibers is broken down into three categories. The first, which we have already mentioned and which is very important, is price competition. The next is competition in the field of research and development and the third is promotion or advertising.

Testimony presented at the hearings on this bill indicates that the synthetic fiber industry spent about $135 million in 1965 on research and development to improve the quality of those fibers and the products made therefrom. This contrasts with about $26 million being spent on cotton research. This is from all sources, both public and private. In the area of promotion, synthetic fiber producers last year spent about $70 million to increase the sale of textiles made from their fibers. This contrasts with about $4 million spent for cotton promotion. Obviously, cotton falls woefully short in its efforts to be competitive in research, development, and promotion.

To illustrate how the synthetic fiber industry is saturating the advertising field, one of the witnesses at the hearings showed a copy of the advertisements in one issue of a magazine. There appeared in this magazine 64 ads in which a fiber was mentioned: 4 of the 64 advertised wool, 9 advertised cotton and the remaining 51 out of the 64 featured manmade fibers. These ads urged consumers to use textiles made of specific fibers. In the case of the synthetic fiber industry, they are paid for by the producers of synthetic fibers. There are many, many other ways in which these tremendous sums are used to advertise or promote the consumption of these products. This could be done for cotton farmers if there were sufficient funds available.

For many years now, cotton farmers have known that a greatly expanded program of research and promotion was a necessity if cotton was to continue its role as a major textile fiber.

Leading cottongrowers across the belt formed an organization in 1960, known as Cotton Producers Institute, whose purpose was to raise voluntarily $1 per bale to finance the needed research and promotion for cotton.

Starting with a nucleus of a few key cottongrowers, the new organization went to work in individual States and counties. Thirty-eight cotton producer groups threw their full support behind the effort. Some 8,600 of the country's leading cotton farmers were brought together in various committees assisting in the collection of the $1 per bale. Over 2,000 meetings were held with a combined attendance of over 110,000 farmers. I know of no greater organizational effort ever put forth on behalf of any agricultural commodity. The effort was only partially successful, however.

It is not possible to go directly to the half million cotton farmers and ask for the money individually. This would be prohibitive in cost. Thus, an effort was made to collect the money where the cotton was concentrated, namely, from the processor and handler branches of the industry. But it was never possible to obtain the necessary full cooperation to establish a uniform collection.

An illustration of the reason for this can be given in the case of the cotton gins, which were making the collection in some areas. Normally there are several gins serving any given area and they compete very strongly with one another to get the biggest volume they can

in order to make the largest margin of profit. Where all the gins in a competitive area are collecting the $1 a bale the program works fine. But if just one gin reduces the price of ginning by $1 a bale and fails to make the collection, he immediately gains a very strong competitive advantage over the other gins. The other gins are placed in an untenable position and begin pulling out of the program in order to meet the competition. The whole effort comes apart in that area. It is clear that there must be a uniform collection in every area.

As I said in my opening remarks, the pending measure simply provides a means for farmers to vote in a referendum on the question of whether they want to establish a uniform collection system to obtain needed funds for research and promotion.

The 1937 Marketing Agreement Act now provides for the collection of money for research and promotion. The Wool Act also contains such a provision. In both of these, the plan can be put into effect if the producers of two-thirds of the production of the commodity represented in the referendum favor the plan.

Under H.R. 12322, as amended by the Senate Committee on Agriculture and Forestry, in order for the referendum to carry on a volume basis, there must also be a majority of the farmers voting in the referendum who favor the plan. Under any of these authorities approval of two-thirds or more of the farmers voting is sufficient for the plan to be put into effect.

Other safeguards for farmers are included in the bill. For example, any farmer who does not choose to support the program financially may obtain a refund of the money he paid. Additionally, if a number of farmers equal to 10 percent of those voting in the referendum petition the Secretary to conduct a referendum to determine whether the program should be terminated, the Secretary must conduct such a referendum.

If termination is favored by a majority of the farmers voting and by farmers who produced at least 50 percent of the cotton represented in the referendum, the Secretary must terminate the program. In addition, the Secretary may terminate the program if he feels it is not carrying out the declared policy of the act or he may at his own option call for a referendum.

The provisions of the bill can probably be best described by explaining how the program would work if enacted into law:

First. Cotton producer organizations would propose a cotton research and promotion order to the Secretary.

Second. If the Secretary determined that the proposed order would achieve the objectives of the act, he would issue a notice and hold public hearings on the proposal.

Third. If the Secretary determined on the basis of the evidence introduced at the hearings that the order would accomplish the purposes of the act, he would issue the order.

Fourth. The order would then be submitted to a producer referendum. No order could become effective unless it is approved by at least two-thirds of the producers voting in the referendum or by the producers of two-thirds of the volume of production represented in the referendum; and in the latter alternative it must be approved by at least a majority of the producers voting in the referendum.

Fifth. If the requisite producer approval is obtained, the order could become effective.

Sixth. The Secretary would appoint a cotton board to administer the order from nominations submitted by eligible producer organizations.

Seventh. The cotton board would enter into a contract with a cotton-producer organization whose governing body would consist of cotton producers selected by cotton-producing organizations certified under the act in such manner that every cotton-producing State, to the extent practicable, would have representation in relation to the volume of cotton marketed from such State.

Eighth. The cotton-producer organization would develop and submit annually to the cotton board cotton research and promotion projects together with an estimated budget covering the cost thereof. Such projects and budget, after review by the cotton board, would be submitted by the board to the Secretary with its recommendations.

Ninth. Research and promotion projects and budgets would become effective only after approval by the Secretary.

Tenth. Those research and promotion projects proposed by the cotton-producer organization, recommended by the cotton board, and approved by the Secretary would be carried out by the cotton-producer organization pursuant to its contract with the cotton board.

Eleventh. The cost of such research and promotion projects, as well as the expenses of the cotton board, would be paid from producer assessments of $1 per bale collected by handlers specified in regulations adopted by the cotton board.

Twelfth. Any cotton producer who paid any assessment collected under the order could obtain a refund of such assessment upon application to the cotton board.

Thirteenth. The order or any provision thereof would be terminated or suspended by the Secretary if he found that it did not effectuate the declared objectives of the act.

Fourteenth. Ten percent by number of the cotton producers voting in the referendum establishing the order would request a referendum to determine whether cotton producers desire to suspend or terminate the order. If the majority of the cotton producers voting in any such referendum who produce more than 50 percent of the cotton produced by producers voting therein favor termination or suspension of the order, the Secretary would be required to terminate or suspend the order.

The bill also includes, of course, ancillary provisions dealing with reports, records, and enforcement.

Now a word about support of this legislation. Nationally it is supported by the farmer organizations with the sole exception for the American Farm Bureau Federation. I know of no State, regional, or area organization in the Cotton Belt which is opposed to bill except some of the State farm bureaus. Evidence was presented at the hearings that there were 47 State and local organizations in the Cotton Belt which have endorsed H.R. 12322.

On August 1, 1966, we will have an all-time record high carryover of cotton on hand. It will amount to about 16¾ million bales. This is more than we normally produce in a year and more than we normally consume and export. Commodity Credit Corporation will probably have $2½ billion of taxpayers money tied up in cotton. The Government will be paying hundreds of millions of dollars a year to farmers to reduce their cotton acreage so that we can bring the cotton surplus down to a manageable level. Facing such a serious supply situation as this, it makes little sense to deny cotton farmers the right to vote on the question of whether they want to assess themselves $1 a bale to be used for research and promotion, the effect of which would be to encourage the consumption of cotton in the United States and thereby contribute to the reduction of a burdensome surplus. I urge the Senate to approve the bill.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be considered as original text for further amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, I compliment my good friend from Georgia for having explained the bill so thoroughly.

Mr. President, for a number of years now cotton producers have been struggling with the problem of surplus stocks. The latest estimate by the Department of Agriculture indicates that there will be a carryover of upland cotton on August 1, 1966, of approximately 16.5 million bales. Never before have carryover stocks of cotton been so high, and I, for one, feel that something must be done about it.

Both in 1964 and in 1965 Congress enacted laws which provided for the so-called one-price cotton under which domestic mills are able to obtain cotton at the world prices. This was done in an effort to encourage the increased use of cotton by our domestic mills. And to a very limited extent some success has been achieved. In 1963, domestic mills used 8.5 million bales. This increased to 9 million in 1964 and it is expected that 9.3 million bales will be used this year. But, this is not enough. The producers of cotton have petitioned Congress to permit them to set up a program for research and promotion which they would finance themselves on a voluntary basis.

A similar program which cotton producers had instituted in 1960 was unsuccessful. It was clearly shown during the course of the hearings that it was unworkable and ineffective because of a lack of participation of some segments of the industry. Cotton gins for example, which were necessary in the collecting procedures under which the program operated refused to fully cooperate.

The program provided for in the bill now before the Senate is not being imposed upon producers by the Congress and cannot be imposed upon producers by the Secretary of Agriculture.

The bill requires that in order to be effective any proposed program must be approved by at least a majority of the producers even where it is approved by the producers of two-thirds of the volume of cotton produced. Approval by two-thirds of the producers would continue to be required where the order is approved by the producers of less than two-thirds of the cotton. This requirement is more stringent than the requirement in the Marketing Agreement Act of 1937. Under that act the general rule permits approval by either two-thirds of the producers or two-thirds of the volume.

I can see nothing wrong with a proposal whereby the consent of producers of a commodity is required before that proposal can be put into effect.

Furthermore, under the measure now before the Senate, producers would be permitted to obtain a refund, if they personally did not wish to contribute to the effort to increase the consumption of the commodity they produce. Mr. President, I repeat, there is no compulsion in this bill. It is purely voluntary effort on the part of informed producers to counteract a possible decline in consumption with the inevitable result of declining acres.

On page 81 of the hearings is an imposing list of cotton organizations which support this bill. It includes organizations from throughout the Cotton Belt.

These informed people realize that unless the consumption of cotton increases materially that all cotton producers will be faced with the possibility of reduced acreage. Carryover stocks of cotton must be reduced and when reduced must be maintained at manageable levels.

Unless consumption is increased, acreage will have to be reduced, for the increasing yields per acre more than compensate for the slightly larger domestic disappearance of the last 2 years.

Yields per acre on the 1961 crop averaged 438 pounds per acre. In 1965 the yield amounted to 531 pounds, an increase of 93 pounds in only 5 years.

I am in favor of permitting cotton producers to attempt to solve, on their own, one of the problems affecting the crop they produce. For too long, too many have looked to the Federal Government for solutions. Now, in this measure, producers are only asking that they be permitted to tackle their problem. They are not asking the Government to do it. They want to see if they can solve it themselves. I only hope that the Senate will permit this by voting in favor of the bill.

Mr. THURMOND. Mr. President, I firmly support H.R. 12322.

This bill is the product of long and careful discussions within the various segments of the cotton-producing and related industries. The urgent need for a coordinated program of both research and promotion is well recognized, and has been for a number of years, throughout this segment of our economy. This bill would establish such a program and the research and promotion of cotton engaged in would be paid for by an assessment of $1 on each bale of cotton produced, paid by the producers of the cotton.

The program of research and promotion authorized to be conducted and financed under the terms of this bill is a reasonable and forward-looking approach to the problem. The procedures authorized by the bill are as follows: The Secretary of Agriculture, after having found that the issuance of an order would tend to effectuate the purposes of the act, would give notice and provide an opportunity for hearing on a proposed order.

If, as a result of the hearing, the Secretary of Agriculture determines that the order would effectuate the purposes of the act, he would issue the order, to be effective only if approved by two-thirds of the producers voting in a referendum, or by a majority of the producers if that majority produces two-thirds of the cotton. Any such order issued will specify that each cotton producer will pay $1 for each bale of cotton produced to support the promotion and research program authorized by the bill and by the order.

Any order, or any provision of it, could be terminated or suspended by the Secretary of Agriculture upon a finding that it did not effecutate the purposes of the act. In addition, any order could be terminated by a majority vote, in both number and volume, in a referendum called by the Secretary of Agriculture on his own motion or at the request of 10 percent of the number of producers who voted in the referendum approving the order.

The promotion and research activities, which would be outlined in the order, would be administered by a Cotton Board. The Cotton Board would be composed of representatives of cotton producers selected from nominations submitted by producer organizations within the respective cotton-producing States. This section of the bill is carefully worded so that each cotton-producing State, regardless of the volume of its production, will have at least one representative on the Cotton Board. Representation on the Cotton Board will be proportionate to State cotton marketings.

After the promotion and research activities are authorized, if any producer does not agree with any of the terms of the order, or does not, for any other reason, wish to support the program, his $1 per bale assessment will be refunded. All he has to do is make a personal demand within 90 days after the collection of his assessment, and the bill states that he will receive his refund within 60 days after the demand therefor.

The program authorized by the terms of this bill is a true self-help program. It is a result of long and serious consultations within the cotton-producing and cotton-using industry and is a cooperative effort.

This program is a completely voluntary program. As has been stated, if any particular producer does not wish, for any reason whatsoever, to support it, his money will be refunded.

The research and promotion activities contemplated by the bill will be completely financed by these voluntary contributions. There will be no expense to the U.S. Treasury for these research efforts.

This program is a carefully conceived one which safeguards the rights and interests of each and every producer.

This is certainly a reasonable and farsighted response to a problem which has been plaguing cotton producers for many years. Cotton is the basic natural fiber in our Nation. As our population increases and the affluence of our people grows, the use of fabrics naturally increases. Largely because of a lack of a program of research and promotion of this type, cotton has not held its percentage share of the increase in fiber consumption.

Cotton has been confronted with strong competition from manmade fibers in domestic outlets for the past two or three decades; but within the last 5 or 10 years, the competition has become increasingly stronger.

From 1930 to 1960, the cotton share of the total U.S. fiber market dropped from about 85 to 65 percent. Since 1960, cotton's share of the market has declined at a much greater rate and was at a low of approximately 53 percent in 1965.

The bill would provide a realistic means for cotton producers to meet the steadily increasing competition of manmade fibers.

It has been said that cotton producers either do not favor the bill or are lukewarm in their attitude toward it. Speaking for the cotton producers of my State of South Carolina, I can say without hesitation that the overwhelming majority strongly favor this bill and are anxious to participate in the promotion and research program authorized by it. They know it is to their benefit and would be very pleased to have the opportunity to participate in and support this program.

I urge that the Senate approve this bill and provide the opportunity for these producers to help themselves.

The PRESIDING OFFICER. Are there further amendments to be proposed?

Mr. YARBOROUGH. Mr. President, I support H.R. 12322, a bill to permit cotton farmers to help themselves. It levies no tax on the general taxpayer. It permits the cotton farmers, by their own referendum, to tax themselves $1 a bale for research and development of cotton.

Mr. President, cotton is the Nation's No. 1 field crop. Its annual farm value is approximately $2.5 billion. Almost $10 billion of our gross national product is directly related to the cotton industry. No other group gives a living to as many farm families and others who work in related industries as does cotton.

In my State of Texas, the value of the cotton crop is $642 million a year. A total of 234,000 Texas workers take home more than $322 million a year through their employment in the cotton industry. No other industry in my State offers employment to as many different people as does the cotton industry. Despite the

rapid urbanization of the State, despite the production of minerals, of oil and gas, despite the fact that Texas produces 23 percent in value of all the minerals produced in the United States each year, cotton still gives more families a living than any other commodity in our State.

I ask unanimous consent to have printed at this point in the RECORD a table from the Progressive Farmer of June, 1966.

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

WHAT IS COTTON WORTH TO TEXAS?

What is the value of the cotton industry to Texas? It means employment for 234,820 workers with a payroll of $322,045,900. This was determined by the Cotton Economics Research Program at the University of Texas. The following chart will show you how this is divided.

Group	Employment	Payroll
Cotton farms	[1] 160,400	$116,130,000
Cotton gins	[2] 19,000	20,000,000
Cottonseed oil mills	[1] 2,400	10,400,000
Compresses and warehouses	[1] 16,100	34,623,000
Merchants-shippers	[1] 1,400	7,114,000
Textile mills	[3] 4,600	15,526,000
Aerial applicators	[1] 450	1,550,500
Agricultural chemicals	[3] 230	1,240,000
Apparel industry	[3] 23,000	80,300,000
Banking industry	[3] 930	4,577,000
Farm machinery equipment manufacturers	[3] 530	$2,314,000
Gin and associated machinery manufacturers	[3] 2,430	10,670,000
Mattress and bedspring manufacturers	[3] 2,250	8,309,000
Transportation and longshoremen	[3] 1,100	9,292,400
Additional parties	(4)	(4)
Total	[1] 234,820	322,045,900

[1] Regular and seasonal workers.
[2] Seasonal workers.
[3] Regular workers.
[4] Not available.

Mr. YARBOROUGH. Mr. President, as we have heard in the able statement of the junior Senator from Georgia, cotton is in trouble; and when the leading crop in the Nation's entire agricultural economy is in trouble, the Nation is in trouble.

Statistics of the Department of Agriculture show that from 1930 through 1965, cotton's share of the total U.S. fiber market dropped from 85 percent to 53 percent. The manmade fiber share in this market increased from 3.9 percent to 42.5 percent. I ask unanimous consent to have printed at this point in the RECORD a table from the Senate hearings, showing mill consumption of fibers.

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

Mill consumption of fibers: Total and per capita, 1930–65

Year beginning Jan 1	Population, July 1 [1]	Cotton [2]			Wool [3]			Rayon and acetate [4]			Noncellulosic manmade fibers [5]			Manmade fiber waste [6]			Flax [7] and silk [8]			All fibers	
		Total	Percentage of fibers	Per capita	Total	Percentage of fibers	Per capita	Total	Percentage of fibers	Per capita	Total	Percentage of fibers	Per capita	Total	Percentage of fibers	Per capita	Total	Percentage of fibers	Per capita	Total [9]	Per capita [10]
	Mil.	*Mil. lb.*	*Pct.*	*Lb.*	*Mil. lb.*	*Pct.*	*Lb.*	*Mil. lb.*	*Pct.*	*Lb.*	*Mil. lb.*	*Pct.*	*Lb.*	*Mil. lb.*	*Pct.*	*Lb.*	*Mil. lb.*	*Pct.*	*Lb.*	*Mil. lb.*	*Lb.*
1930	123.1	2,616.6	84.5	21.3	263.2	8.5	2.1	119.3	3.9	1.0	------	------	------	------	------	------	96.2	3.1	0.8	3,095.3	25.1
1940	132.1	3,959.1	80.4	30.0	407.9	8.3	3.1	482.1	9.8	3.6	4.3	0.1	(11)	12.3	0.2	9.1	59.7	1.2	.5	4,925.3	37.3
1941	133.4	5,192.1	80.0	38.9	648.0	10.0	4.9	591.9	9.1	4.4	11.6	.2	0.1	14.0	.2	.1	35.3	.5	.3	6,492.8	48.7
1942	134.9	5,633.1	81.4	41.8	603.6	8.7	4.5	620.8	9.0	4.6	23.1	.3	.2	15.0	.2	.1	23.2	.4	.2	6,918.8	51.3
1943	136.7	5,270.6	79.5	38.6	636.2	9.6	4.7	656.1	9.9	4.8	35.3	.5	.3	21.4	.3	.2	13.6	.2	.1	6,633.2	48.5
1944	138.4	4,790.4	77.3	34.6	622.8	10.0	4.5	704.8	11.4	5.1	45.8	.7	.3	21.9	.4	.2	9.5	.2	.1	6,195.2	44.8
1945	139.9	4,515.8	75.1	32.3	645.1	10.7	4.6	769.9	12.8	5.5	49.8	.8	.4	25.4	.4	.2	8.4	.2	.1	6,014.4	43.0
1946	141.4	4,809.1	73.7	34.0	737.5	11.3	5.2	875.5	13.4	6.2	53.2	.8	.4	25.6	.4	.2	26.1	.4	.2	6,527.0	46.2
1947	144.1	4,665.6	72.5	32.4	698.2	10.8	4.9	987.9	15.4	6.9	51.4	.8	.4	18.6	.3	.1	12.0	.2	.1	6,433.7	44.6
1948	146.6	4,463.5	69.7	30.4	693.1	10.8	4.7	1,149.4	17.9	7.8	71.7	1.1	.5	18.6	.3	.1	12.9	.2	.1	6,409.2	43.7
1949	149.2	3,839.1	70.4	25.7	500.4	9.2	3.4	993.5	18.2	6.7	92.8	1.7	.6	15.6	.3	.1	10.1	.2	.1	5,451.5	36.5
1950	151.7	4,682.7	68.3	30.9	634.8	9.3	4.2	1,350.0	19.7	8.9	140.5	2.0	.9	28.0	.4	.2	21.4	.3	.1	6,857.5	45.2
1951	154.3	4,868.6	71.1	31.6	484.2	7.1	3.1	1,274.6	18.6	8.3	195.5	2.8	1.3	8.4	.1	.1	18.3	.3	.1	6,849.6	44.4
1952	157.0	4,470.9	69.4	28.5	466.4	7.2	3.0	1,214.7	18.8	7.7	249.0	3.9	1.6	26.4	.4	.2	19.3	.3	.1	6,446.6	41.1
1953	159.6	4,456.1	68.7	27.9	494.0	7.6	3.1	1,222.5	18.9	7.7	279.3	4.3	1.8	21.8	.3	.1	15.4	.2	.1	6,489.1	40.7
1954	162.4	4,127.3	68.4	25.4	384.1	6.4	2.4	1,154.7	19.1	7.1	328.6	5.4	2.0	25.0	.4	.2	15.5	.3	.1	6,035.2	37.2
1955	165.3	4,382.4	65.2	26.5	413.8	6.2	2.5	1,419.2	21.1	8.6	432.2	6.4	2.6	51.1	.8	.3	19.0	.3	.1	6,717.7	40.6
1956	168.2	4,362.6	66.6	25.9	440.8	6.7	2.6	1,200.9	18.3	7.1	484.0	7.4	2.9	42.4	.7	.3	20.6	.3	.1	6,551.2	38.9
1957	171.3	4,060.4	65.1	23.7	368.8	5.9	2.2	1,177.1	18.9	6.9	567.5	9.1	3.3	48.0	.8	.3	15.5	.2	.1	6,237.3	36.4
1958	174.1	3,866.9	64.8	22.2	331.1	5.5	1.9	1,127.3	18.9	6.5	575.3	9.6	3.3	61.7	1.0	.4	9.4	.2	.1	5,971.6	34.3
1959	177.1	4,334.5	63.3	24.5	435.3	6.4	2.5	1,252.5	18.3	7.1	741.4	10.8	4.2	70.9	1.0	.4	11.8	.2	.1	6,846.4	38.7
1960	180.7	4,190.9	64.6	23.2	411.0	6.3	2.3	1,055.4	16.3	5.8	761.7	11.7	4.2	60.8	.9	.3	11.6	.2	.1	6,491.5	35.9
1961	183.8	4,081.5	62.1	22.2	412.1	6.3	2.2	1,128.0	17.2	6.1	861.7	13.1	4.7	71.3	1.1	.4	12.7	.2	.1	6,567.3	35.7
1962	186.7	4,188.0	59.4	22.4	429.1	6.1	2.3	1,263.6	17.9	6.8	1,076.2	15.3	5.8	79.5	1.1	.4	12.4	.2	.1	7,048.8	37.8
1963	189.4	4,040.2	55.7	21.3	411.7	5.7	2.2	1,440.3	19.9	7.6	1,257.7	17.3	6.6	90.1	1.2	.5	13.1	.2	.1	7,253.1	38.3
1964 [12]	192.1	4,244.4	54.5	22.1	356.7	4.6	1.9	1,516.5	19.5	7.9	1,554.8	19.9	8.1	103.2	1.3	.5	14.2	.2	.1	7,789.8	40.6
1965 [12]	194.6	4,476.3	52.7	23.0	386.9	4.5	2.0	1,550.7	18.2	8.0	1,955.8	23.0	10.1	118.0	1.4	.6	13.3	.2	.1	8,501.0	43.7

[1] Bureau of the Census. Population continental United States as of July 1, including Armed Forces overseas.
[2] Mill consumption as reported by the Bureau of the Census. For American cotton, tare as reported by the Crop Reporting Board has been deducted; for foreign cotton, 3 percent (15 pounds) was deducted (20 pounds beginning Aug. 1, 1958). Since 1950, data have been adjusted to year ended Dec. 31.
[3] Includes apparel and carpet wool on a scoured basis. Data from wool consumption reports of the Bureau of the Census.
[4] Textile Organon, publication of the Textile Economics Bureau, Inc. Includes filament and staple fibers. Data are U.S. producers' domestic shipments, plus imports for consumption.
[5] Textile Organon: Nylon, orlon, glass fiber, etc. U.S. production less exports plus imports for consumption.
[6] Producers' manmade fiber waste consumed by mills (excludes glass).
[7] Flax: Imports and estimated production. Bureau of the Census and Plant Industry through 1948. 1949–52 production was estimated by the Agricultural Marketing Service, Portland, Oreg., office. Imports only since the 1953 season.
[8] Silk: Bureau of the Census. Net imports through 1933. Since 1934, imports for consumption.
[9] Totals made from unrounded data.
[10] Total consumption divided by population and not a summation of per capita consumption of fibers.
[11] Less than 0.05 pound.
[12] Preliminary.

Source: USDA, Cotton Situation, April 1966.

Mr. YARBOROUGH. In 1964 and again in 1965, Congress took steps to help cotton meet the competition from manmade fibers. The cotton programs of those 2 years established a one-price system for cotton. Formerly the domestic price had been above the world market price. These laws reduced the price of cotton to domestic mills to world price levels, and made up the difference in income to the farmer with a direct payment.

However, that does not end our problem. The one-price cotton program may have made cotton more competitive with rayon and acetates, but it does not seem to have made any impact upon cotton's ability to hold its own in competition with the noncellulosic fibers.

After the passage of the 1964 Cotton Act, rayon's share of the market fell slightly; but this was more than made up by an even greater increase in the growing share of the noncellulosic fibers.

These fibers frequently sell for two or three times more than cotton, and cotton outlasts them. It is due to lack of research, development, and promotion that cotton fails to get its fair share of the market. So we see that the advantage of these other type fibers is on some basis other than price. We find the answer when we look at research and promotion of the manmade fibers.

In contrast to the hundreds of thousands of cotton producers, production of manmade fibers is concentrated in a few firms. Statistics compiled by the Department of Agriculture show that eight large firms account for 90 percent of their total output. This concentration enables them to undertake vast research and promotion campaigns. They spent about $135 million in 1965 on research and development and another $70 mil-

lion for sales promotion. This $205 million is about seven times what was spent on the development and promotion of cotton last year. These huge promotional expenditures have been an important factor in the success of man-made fibers over cotton.

Mr. President, as has been explained by the distinguished Senator from Georgia, if this program is voted in, and any individual grower does not wish to pay that dollar, he can get his dollar back.

The Cotton Board is to be appointed entirely from producers, not processors. This is to be on the producers, the people producing the cotton. There has been some criticism that this bill let the processors out of paying money.

We all know, however, that if the processor paid a dollar a bale, that would come back on the producer and on the consumer.

Above all, Mr. President, this bill has widespread support in the cotton industry. I ask unanimous consent to have printed in the RECORD at this point a list of organizations endorsing this bill, both national organizations and regional organizations in the Southeastern States, the Midsouth, the Southwest, and the Far West.

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

COTTON RESEARCH AND PROMOTION ACT—ORGANIZATIONS ENDORSING H.R. 12322

NATIONAL

National Grange.
National Farmers Union.
American Cotton Producers Associates.

SOUTHEAST

North Carolina Grange.
Carolinas Cotton Growers Association.
Carolinas Ginners Association.
Carolinas Cotton Warehouse Association.
The Cotton Producers Association.
Georgia Farm Bureau.
Atlantic Cotton Association.
Alabama-Florida Ginners Association.

MIDSOUTH

Delta Council.
Staple Cotton Association.
Mississippi Cotton Warehouse Association.
Mid-South Cotton Growers Association.
Southern Cotton Shippers Association.
Agricultural Council of Arkansas.
Arkansas-Missouri Cotton Trade Association.
Valley Warehouse Association.

SOUTHWEST

Texas Federation of Cooperatives.
South Texas Cotton Improvement Association.
Rolling Plains Cotton Growers Association.
Plains Cotton Cooperative Association.
Growers Marketing Association.
Plain Co-op Oil Mill.
Central Texas Co-op Oil Mill.
Gulf Compress Association.
Texas Cotton Ginners Association.
Texas Co-op Ginners Association.
Texas Independent Ginners Association.
Texas Cotton Association.
Texas Cottonseed Crushers Association.
Oklahoma Cotton Co-op Association.
Oklahoma Ginners Association.

FAR WEST

Trans Pecos Cotton Association.
El Paso Valley Cotton Growers Association.
New Mexico's Pecos Valley Cotton Farmers Association.
SWIC.
New Mexico Ginners Association.
Arizona Cotton Growers Association.
Arizona Cotton Ginners Association.
Serape Cotton Oil Co.
Five-State Cotton Growers Association.
Western Cotton Growers Association.
Imperial Valley Cotton Growers Association.
Calcot.
Ranchers Cotton Oil Co.
California Grange.
California Agricultural Council of Growers.
Western Cotton Shippers.

Mr. YARBOROUGH. Mr. President, it has been said that the growers are opposed to this bill. When the bill was first introduced, some growers from my State did write in objection to it. However, after further study, they are writing in ever greater numbers in support of the bill. The trend has changed from opposition to support. Out of the great volume of letters we have received from the leading cotton-producing States of the Union, I wish to place in the RECORD, Mr. President, only a few of those letters and telegrams, to show how widespread the support of this legislation is among the dirt farmers, the cotton-producing farmers, the men who get out and till the soil.

Here is a telegram of April 24, addressed to me, from the Texas State Grange:

Request your support for H.R. 12322, cotton promotion bill.

It is signed by Frank Knight, master of the Texas State Grange.

A telegram of recent date from Refugio, Tex., on the south gulf coast:

Please use all support within your power for the passage of the cotton research and promotion bill.

That is signed by the president of the Refugio County Chapter, South Texas Cotton Improvement Association. That is a growers' organization, Mr. President.

A telegram of March 2, stating:

1,500 cotton producers at annual meeting of Texas Cooperative Ginners Association and Texas Federation of Cooperatives in Corpus Christi, March 1, voted unanimously Congress pass H.R. 12322 to permit cotton producers a referendum to assess themselves for funds to promote cotton consumption and research.

That telegram is signed by Bruno Schroeder, executive vice president.

A telegram of April 2, from the Texas Cottonseed Crushers' Association stating that by unanimous action, its board of directors endorsed this bill.

A paragraph reads:

The trouble facing cotton is primarily due to being out researched, out promoted, and out sold and often by inferior products. The passage of this bill will greatly help.

A telegram of March 20, from the board of directors of the Texas Independent Ginners Association, indicating unanimous support.

A letter of April 18, from the Texas Federation of Cooperatives, made up of the different cooperatives that grow cotton and produce it; some are marketing associations, some are purchasing associations that purchase farm supplies through their cooperatives. The letter states that 1,500 producers support the bill.

A letter from the Cochran County Farm Bureau. Mr. President, the Texas Farm Bureau, the State organization, opposed this bill, but some local chapters have written us that though they are members of the Farm Bureau, they do not agree with the State organization, and they are supporting this legislation. This is a typical one, from the Cochran County Farm Bureau, of Morton, Tex.:

The Directors of the Cochran County Farm Bureau unanimously adopted the Cotton Research and Promotional Act, H.R. 12322.

We believe this is a good bill because—

And this, Mr. President, I wish to stress, is a local county chapter which is going against the action of its State organization. Here is what they write:

It is voluntary in that any producer may receive a refund for the amount collected; that none of the funds collected may be used for political or lobbying purposes; that 100 per cent of the funds must be used for research and promotion of cotton; that the Cotton Board, appointed by the Secretary of Agriculture, must be selected from nominees selected by the various cotton groups in the belt; that this board shall determine where and how these funds shall be spent for research and promotion only; that this will give the cotton producers an opportunity to vote in a referendum to determine if they want to contribute $1 per bale for research and promotion of cotton; and 66⅔ per cent must vote for if the collections are made as prescribed by the Cotton Board; and that this bill shall give us an opportunity to do something for a "sick" industry instead of looking to the federal government to do it for us.

This is a letter from the secretary of the Southwest Irrigating Cotton Growers, El Paso, Tex. These farmers grow cotton only by irrigation because they have less than 8 inches of rainfall a year. They endorse the bill.

Here is another from the South Texas Cotton Improvement Association, Inc. They write:

The South Texas Cotton Improvement Association representing over 5,000 cotton producers in the gulf coast, wishes to support vigorously the Cotton Research and Promotion Act.

These are farmers and growers. So it is not accurate that the producers themselves oppose this bill.

This bill has the most widespread, uniform, unanimous support for a cotton measure that I have seen in my 9 years in the Senate.

(At this point, Mr. BAYH assumed the the chair.)

Mr. HICKENLOOPER. I understand that complaint is made that this is a voluntary situation; that is, that the fellow who sells one bale of cotton, after the money is taken out, can go back home, to the justice of the peace, or to somebody else; a paper is made out, as well as sworn statements, and that he can mail them in and get a rebate. To me that is subterfuge.

We went through this situation in the meat business where they attempted to

use the power of government to kitty every pound of meat sold on the part of the farmer and put it in a pot and say, "I can get this back." He goes home and then makes application to have it returned. There would not be 1 out of 25 people who would take the time to do that.

What is wrong with including a provision in this bill—and if it had such a provision I would vote for it; it would be a voluntary bill—that at the time, the seller of the cotton executes a separate document authorizing the purchaser of that cotton to take out $1 a bale and put it in the pot? That would be a completely voluntary operation.

But I notice in the meat business people who want to collect this pot. They can operate as we said. Among cotton people promoting this they say, "No; we do not want to do that. We want to take it out first, and if they want it back they will have to come and ask us to pay it back."

To me that is coercion that governments sometimes use to inflict hardship on the farmer. If they want it, why not let the producer pay for this and put in so much? Then, let us see whether the industry itself really wants to do this or whether somebody wants to get hold of many billions of dollars a year for various purposes that they could use as they see fit. I do not think this is voluntary.

Mr. YARBOROUGH. Mr. President, in answer to the Senator from Iowa [Mr. HICKENLOOPER], I wish to say that the law provides that it must be solely for research and development promotion. It cannot be used for political or lobbying purposes. The people appointed to the board by the Secretary of Agriculture must be producers. Every man on this board must be a producer and represent that interest.

Furthermore, if any State produces as much as 20,000 bales of cotton, it must have a member on the board. Those with less have pooled representation on the board. Of the marketing order bills that I have seen, this is the most democratic.

The distinguished Senator, being from a great wheat-growing State, will realize the great benefits that have gone to wheat farmers through the Great Plains Wheat Growers Association. That is done in a State-by-State association.

Mr. HICKENLOOPER. My State is not considered a wheat State.

Mr. YARBOROUGH. The Senator is correct. I know that it is chiefly corn.

The State joins in the levying of taxes on producers of wheat. This has been one of the greatest things proposed for wheat growers, and they have need for it. They have set up mobile concerns in Japan and showed the Japanese housewives how to cook with wheat, whereas they cooked with rice for many years.

Mr. HICKENLOOPER. Do you not have a Cotton Council in this country?

Mr. YARBOROUGH. The wheat levy is a tax, but a State-by-State tax.

What they plan to do with cotton is to advertise. The product is not advertised and competing fibers spend $205 million a year in research, development and promotion; $70 million of that is in advertising alone.

Mr. HICKENLOOPER. But they put that up themselves. The Government does not counsel them to do that and does not use the power of government to take that from the producer.

Mr. YARBOROUGH. No; but only eight of these companies produce most of the manmade fiber produced in the United States. They have huge advertising and research budgets.

Mr. HICKENLOOPER. How many are there that produce cotton?

Mr. YARBOROUGH. There are hundreds of thousands of cotton farmers.

Mr. HICKENLOOPER. I am talking about producers.

Mr. YARBOROUGH. I am representing the farmers here: The man who tills the soil, who runs the plow.

Mr. HICKENLOOPER. I have seen similar letters from other people. We see them all the time.

Mr. YARBOROUGH. These people have been debating cotton over the years. Many of them were against this type of program for years and they have come to the conclusion—I am advised from my mail and from conversations—that they have changed their mind and say now that this is the only way to save the industry. The farmers want it themselves. I have never seen such unanimity of opinion among the farm element in my life.

Mr. HICKENLOOPER. Are they voluntarily contributing today $1 a bale, these people who want this much?

Mr. YARBOROUGH. They want an effective law with a board appointed by the Secretary of Agriculture upon the nomination of cotton-producer organizations to see that their money is spent for this purpose and this purpose only. They can have a Federal auditor, and if there are diversions, there can be indictments.

That is why they are saying to Congress, "Let us have a referendum and vote ourselves on the burden of paying this."

That referendum must be either two-thirds of the cotton farmers or a majority of the farmers producing two-thirds of the cotton. Either way there is at least a majority of all farmers. It takes two-thirds of the little farmers. I predict that in this referendum there will be one of the most overwhelming votes ever recorded.

Mr. HICKENLOOPER. That is what they said about the wheat referendum 2 or 3 years ago and it did not turn out that way.

Mr. YARBOROUGH. Give the cotton farmers a chance. These farmers are not intimidated. It was said that the wheat farmers were afraid to vote, and they were not. These farmers are not afraid to vote. This has nothing to do with acreage or how much they can produce. This is on the question of whether to pay $1 a bale for promotion and development. If they do not want it they will vote it down, although I predict it will be overwhelmingly approved.

Mr. HICKENLOOPER. This is further power of the Government forcing every cotton farmer to pay $1 a bale, whether he wants to or not.

Mr. YARBOROUGH. Not unless the farmers vote for it in a referendum.

Mr. HICKENLOOPER. It is voting in the bureaucratic group with millions of dollars to spend, is it not?

Mr. YARBOROUGH. No. And if he does not like what the majority voted, he can still get his money back.

Mr. HICKENLOOPER. That is the gimmick.

Mr. YARBOROUGH. It is no gimmick.

The Senator was talking about meat. Meat is marketed from month to month. However, in this area only one crop of cotton is grown each year. I know because I grew up in a cotton-growing family.

When that bale of cotton comes in, every dollar is checked. We must remember that this happens only once a year. A man might get tired of existing on marketing—say he had calves or steers—every month, but it is only once a year that this cotton money comes in. They watch those dollars. If they do not like the research and promotion program, they file a claim and get their money back. There are safeguards built into it, safeguards to prevent this money being used for lobbying purposes, for instance. It cannot be used to come back to Washington and lobby in Congress to change some part of the bill.

I remember being on the Commerce Committee in my second year of service in the Senate, and a bill was before it to require the labeling of manufactured cotton products. We had such a law for many years on wool products. It came down to a tie vote in the Commerce Committee. The distinguished former Senator from Ohio, Mr. Bricker, held the key as to whether the bill would become law or not.

Many people thought that Senator Bricker would vote "nay," that he would not be for the bill. The Senator remembers him, of course, and remembers him well. He was a handsome, well-built man, with a rather prominent chest, and he liked to smoke cigarettes.

Mr. HICKENLOOPER. But how did he vote?

Mr. YARBOROUGH. During the course of the committee hearings, Senator Bricker would smoke and the ashes would drop on his shirt. He told us that when he went home, his wife used to talk to him about the condition of his shirts because of cigarette ashes dropping on them, and on some shirts a yellow streak would be left. He told us how his wife had told him to keep the ashes off his shirts, and how he was having to buy new shirts; then he noticed that if he wore a shirt made of 100-percent cotton there was never any yellow streak. There was a yellow streak only if the shirt had some synthetic fiber in it.

There is a difference in the fiber. Cotton fiber is better for a shirt. It will resist cigarette ashes. Senator Bricker from Ohio broke the tie on the bill by voting "yea," thus casting the deciding vote in the Commerce Committee; and that is how we got the bill on the books. The Senator learned during his lifetime what cotton would do.

Thus, what the cotton farmers would like to do is get the situation right and tell the country what cotton products really do and what they can stand.

Mr. HICKENLOOPER. Let me say to the Senator from Texas that I served with Senator Bricker for many years, and also on committees with him, and I never knew that he ever smoked cigarettes in his life. He did smoke cigars, but so far as I know, he never did smoke a cigarette. Thus, it must have been cigar ashes that fell on his shirts at that time—so long as we are going into ancient history.

Mr. YARBOROUGH. Maybe he changed, but I know he was smoking cigarettes on that committee.

Mr. HICKENLOOPER. Will the Senator from Texas yield?

Mr. YARBOROUGH. I am glad to yield to the Senator for questions but not for making intermittent speeches. I believe that each Senator should be able to yield the floor for a reasonable time for questions. I am glad to yield to the Senator from Iowa.

I plead with him—if he grew cotton in his State, he would be with us, he would be a cosponsor with us on this bill. I plead with him, please not to vote against the bill. I know that the Senator has no prejudices on State lines. I know that we send cattle up there. They fatten them in Iowa, and get much higher prices in the Kansas City market.

We have great respect for Iowa products, and for their capacity to produce huge acres of corn and great quantities of pork in the State of Iowa. Our farmers in Texas are not so fortunate as to have that vast production per acre. They are having a harder struggle in raising cotton. Please help us in the cotton problem in our State.

Mr. HICKENLOOPER. If the Senator from Texas will yield?

Mr. YARBOROUGH. I am glad to yield to the Senator for a question only.

Mr. HICKENLOOPER. Does not the Senator know that we raise meat in our State, as well as corn and hogs, and that I was just as much against the compulsion of Government to compel our farmers to be "kittied" on every pound of meat that they sold, as I am against the cotton bill. So that I am consistent. The Senator has cotton. We have meat. The Senator has meat in his State as well, which they sell there. I am not inconsistent at all.

Mr. YARBOROUGH. Let me say to the distinguished Senator that we buy more bacon from Iowa than any other State of the Union. It is good bacon. I believe it sells sometimes up to 95 cents a pound. We use lots of bacon in Texas. It is rather hard to keep buying bacon. We want to keep buying it. We like this Iowa bacon.

However, on cotton, we need to develop and advertise our product. We need that self-help.

I appreciate the Senator's consistency in this matter but I say that the cotton industry is in desperate condition. These people have met and discussed this question. It is not something which has just jumped up. I attended a convention in Dallas last summer, and this subject was being discussed then, more than a year ago. I have received letters since then, saying that the matter has been discussed for nearly a year, that they are for it strongly.

They say that this is the only thing that can pull them out. The cotton growers have graduated in agriculture from land-grant colleges such as Texas A. & M. They have graduated in agricultural economics. They are people who have given their lives to the study of agricultural economics. This is not guesswork. These are knowledgeable people, trained in marketing. The Senator from Iowa represents a great agricultural State. He knows how well educated our agricultural leaders are at the present time through the great agricultural land-grant colleges.

Mr. LAUSCHE. Mr. President, will the Senator from Texas yield for a question?

Mr. YARBOROUGH. I yield.

Mr. LAUSCHE. Do we have in the statutes of the United States at the present time any law of a similar character dealing with other farmers or foods?

Mr. YARBOROUGH. I am informed that there are 33 other marketing orders; but for an exact statement on that point, I would rather yield to the distinguished Senator from Georgia [Mr. TALMADGE], the floor manager of the bill.

Mr. TALMADGE. The Agricultural Marketing Agreement Act of 1937 authorizes marketing orders for every commodity except certain specifically excluded commodities. Research and development can be provided for by any order under that act other than a milk order.

There are now orders under that act relating to citrus fruits and other commodities that provide for research and development. Section 708 of the National Wool Act of 1954 authorizes a similar program for wool and a program is being carried out for wool under that act. These programs are doing essentially the same thing for the commodities covered by them that the bill before the Senate seeks to do for cotton; that is, to provide funds for research and development purposes. Of the 46 marketing orders now in effect for fruits, vegetables, and nuts, 32 provide for research and development.

Mr. LAUSCHE. Can the Senator from Georgia state what levies are made upon citrus producers?

Mr. TALMADGE. The distinguished Senator from Florida could probably answer that question better than I could, inasmuch as I believe he has authored legislation relating to that field. I am not aware of the amount. I know how much is provided by this bill for cotton—$1 a bale.

Mr. LAUSCHE. As I recall, there is a law that provides that each citrus grower shall pay a certain levy to the Federal Government for the purpose of having it do research work in the growing and marketing of citrus fruits. Is that the situation?

Mr. HOLLAND. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I yield.

Mr. HOLLAND. Mr. President, there are nine marketing orders applicable to citrus fruits under the Marketing Agreement Act. Separate orders cover grapefruit in Arizona and California; lemons in Arizona and California; limes in Florida; oranges and grapefruit in Texas; navel oranges in Arizona and California; and Valencia oranges in Arizona and California. All of those orders provide for marketing research and development. There are also separate orders, which do not provide for research and development, for grapefruit in the Indian River area of Florida; grapefruit in the interior of Florida; and oranges, grapefruit, tangerines, and tangelos in Florida. The assessments under these orders range from one-half mill a box to 3 cents a carton. A carton is about half a box. These assessments are collected from handlers, but the handlers are able to pass this cost on to the grower by deducting it from the price paid. These assessments cover all the costs of administering the orders under which they are collected. Under some of the orders no part of the assessment is used for marketing research and development. Under the rest only a minor part of the assessment is used for that purpose.

In Florida, in addition, the State imposes a State tax on a per box basis. Out of that fund, sales development, sales promotion, advertising, and activities of that kind are furnished. Also a small amount is spent for transportation research and for research in utilization. That is all handled by the State.

Mr. LAUSCHE. Is there no Federal law with respect to citrus fruit?

Mr. HOLLAND. There is a Federal law with respect to citrus fruit. The nine orders I mentioned were issued under the Agricultural Marketing Agreement Act of 1937, which the Senator from Georgia referred to, and several of these apply in Florida. As I recall, one of the oldest marketing agreements now in force is one with respect to Florida citrus fruit. But that order does not cover advertising, sales promotion, dealer services, and all the other objectives which I have mentioned and which are paid for out of the State tax. That tax is, of course, expended by the State agency. There is no refunding provision at all in the Florida act, which the Senator from Georgia [Mr. TALMADGE] has been kind enough to say I authored and sponsored.

Mr. TALMADGE. Mr. President, will the Senator yield for a further response?

Mr. LAUSCHE. May I make a further remark on that point?

Mr. TALMADGE. Surely.

Mr. LAUSCHE. In Ohio, the apple growers persuaded the legislature to pass a law imposing a per bushel tax upon the grower, the money to be used in the promotion and sale of apples. The general run of farmers, however, opposed that action, and I opposed it.

There is no Federal law applying to citrus fruits in a similar manner as proposed by this bill. Am I correct in that?

Mr. HOLLAND. The Senator is correct, in that the Federal marketing order law covers details of marketing, how much fruit shall be released, standards, and many other provisions in addition

to marketing research and promotion. The Department of Agriculture has construed the Federal law, because of its history, as not being intended to provide for marketing research and promotion without other regulatory provisions. The Federal law does not apply to apples produced in Ohio.

Mr. LAUSCHE. Is there any Federal law imposing a levy, applicable to fibers or foods, as embodied in the bill before us?

Mr. HOLLAND. If the Senator will yield, there is a Federal law applicable to wool quite similar to the one proposed here, except it has no refundable features, as I recall. In every other respect, it is similar.

Wool, of course, is a deficit crop. The other crops which we have been talking about are surplus crops. So there is a considerable difference. I want to make clear there is a precedent in wool, but that it is no precedent for the refund provision of the bill.

If I am incorrect in that statement, perhaps the Senator from Georgia [Mr. TALMADGE] will correct me.

Mr. YARBOROUGH. Mr. President, since I have the floor, and I want to reply to the Senator from Ohio before I yield to the floor manager of the bill for such comments as he may wish to make, I wish to read from page 83 of the hearings on the Cotton Research and Promotion Act. Let me read just three sentences from page 83 of the hearings:

> This precedent goes back to the Agricultural Marketing Agreement Act of 1937. Under this basic law, the procedures of thirty-three commodities—ranging from avocados to Washington sweet cherries—have approved research or promotion programs in referendums.

Thirty-three commodities. Furthermore, he continued:

> Under the Wool Act of 1954, sheep producers have approved an assessment for lamb and wool promotion.

I point out that my State is the leading producer of wool as well as of cotton.

Mr. LAUSCHE. From whose testimony was the Senator reading?

Mr. YARBOROUGH. Mr. Cortright's testimony, of the National Cotton Council.

Mr. LAUSCHE. How does the Senator reconcile that with what the Senator from Florida [Mr. HOLLAND] said about the marketing program as a control of the release of a particular fiber?

Mr. YARBOROUGH. The Senator from Florida [Mr. HOLLAND] was speaking of only citrus fruits.

Mr. LAUSCHE. The Senator from Texas has described this as a voluntary program. The Senator from Iowa [Mr. HICKENLOOPER] challenged labeling this as a voluntary program. If it is a voluntary program, why is the law needed?

Mr. YARBOROUGH. The Cotton Council tried a program. The reason it did not work——

Mr. LAUSCHE. Then it is not voluntary.

Mr. YARBOROUGH. Yes, it is.

Mr. LAUSCHE. The Senator said it did not work.

Mr. YARBOROUGH. I was in the middle of a sentence. The Senator did not permit me to complete my thought. When this program was tried by the Cotton Council some gins stated to the cotton producers, "Bring in your cotton. We will gin your cotton for $1 less." Other gins, in order to meet the competition, had to follow suit. This attempt to reduce the price at the gin by not participating in the program, hampered the effectiveness of the program. As a result of the competition on the part of the gins, the program was crippled.

The present proposal is a voluntary program in that either two-thirds of the producers must approve it or a majority of producers producing two-thirds of the cotton must approve. But even if a farmer voted for it, he could come back and get his money. So it is a voluntary program. No one has to contribute. Any farmer can get his money back.

Mr. LAUSCHE. If it is voluntary, why is the law needed?

Mr. YARBOROUGH. The law is needed——

Mr. LAUSCHE. To compel.

Mr. YARBOROUGH. The law is needed in order to have assurance that they money will not be used for lobbying; that it will be put to the sole use of research and promotion of the cotton; that the money will not be diverted; that it will be producer controlled.

Nobody can be appointed to serve on the Board by the Secretary of Agriculture unless he is a producer. So it cannot be used for the use of the gins.

This is a bill designed to help the producers. The program will be producer controlled. It will be regulated in their behalf.

I am not against the mills. Every time a textile mill is shut down and is moved to Hong Kong, it means unemployment, and I am against that. It was for that reason that I voted for the bill to help them. I now want to see us save the whole cotton industry.

This is a voluntary program, but it has safeguards. We need a law to have safeguards to see that the money will stay in the hands of the producers, that it will be used fairly. It will provide that the Federal Government will see to it that the money will stay in the right channels.

Mr. LAUSCHE. I cannot accept the statement of the Senator from Texas that this is a voluntary program. His own argument destroys the conclusion which he has reached. The Senator from Texas has said that they tried to work it out on a voluntary basis but they encountered obstacles and, in effect, that is why they are here in Congress asking for adoption of the proposed law. The law will make mandatory payments of $1 per bale with the right to demand the payment. Is that right?

Mr. YARBOROUGH. The law cannot do anything until the cotton farmers vote that they want the program. So it is voluntary, because it can be imposed only by vote of the cotton farmers. And if a farmer disagrees with the results of the vote, he can get his money back. He doesn't have to abide by the results of the vote.

Mr. LAUSCHE. I am afraid the Senator and I cannot reach a termination of discussion on that point. If the Senator will yield further——

Mr. YARBOROUGH. I yield.

Mr. LAUSCHE. If it is a voluntary program, I humbly submit that a law is not needed. If it is voluntary, it can be done without the coercive operation of a law passed by the U.S. Government.

The argument of the Senator from Texas that there must be a special law to prevent the diversion of moneys, to prevent them from being used for lobbying, is not sound. There is no need for such a law. The conversion of money is a crime. Embezzlement of money is a crime. Using money for purposes not authorized by the constitution of an organization would be a diversion conversion of money. No law is needed to protect the use of the money in the manner prescribed by the voluntary program.

Mr. YARBOROUGH. The distinguished Senator from Ohio has not asked a question. He has made an argument, and the argument is not sound. The competition in segments of the cotton industry other than the producers is what crippled the earlier program. Other people offered competitive cuts to keep the earlier program from working.

This is a cotton producer's bill before us now. Everybody that the Secretary appoints under the bill must be a cotton producer. The bill prevents the middleman from coming in and wrecking a voluntary producers' program. This is a voluntary cotton producers' program. The program contains safeguards to keep certain processors from coming in and offering rewards to keep the producer from participating. It is a producer-controlled bill; it is a producer bill. The Senator is engaging in a game of semantics.

Mr. LAUSCHE. I am grateful to the Senator from Texas for yielding to me, but we are repeating what has been said.

Mr. YARBOROUGH. I thank the distinguished Senator from Ohio. We served together for years on the Committee on Commerce, and I enjoyed that service. The Senator from Ohio was one of the ablest members of that committee.

Mr. President, I ask unanimous consent that the letters that I have received from many segments of the cotton production industry be printed in the RECORD at the conclusion of my remarks and that the names of the people signing them be printed at each place. Sometimes there are pages of signatures of cotton farmers pleading for this legislation.

I shall read briefly from a letter of Roy B. Davis of Lubbock, Tex. Two million bales a year were raised on the high plains of Texas, mainly by irrigation and with mechanization. Roy Davis says:

> As you know, Senator, we are in deep trouble with cotton. Our income on cotton this year on the South Plains will be reduced another $50 million to $60 million. We have already taken a $37.5 million reduction.
>
> So since the 1963 crops, the '66 crop of 2 million bales will bring the growers some odd $80 million less than it would in 1963.

In 3 years production is down $80 million just in that segment of the State.

I have letter after letter like this. In my 9 years in the Senate, I have never

before had such a response from the grassroots farmers.

I have another letter from the rolling plains cottongrowers. These are the dryland cottongrowers. They do not have irrigation. That might be called the area of thin-bale production. They are lucky to get a quarter of a bale per acre. I quote from the letter:

I myself am a cotton farmer and believe the bill has tremendous possibilities. We are at a point in cotton production where we must do something to hold our markets and possibly expand them. If we cannot find new uses for cotton, we must learn to accept regulated production.

For the people who want the Government out of something, this is an opportunity to help by giving the cotton industry an opportunity to make itself self-sustaining, so that less regulated production per acre will be required. Only if the bill is passed by Congress will the farmer have an opportunity to decide for himself whether or not he desires to support the bill.

I have a letter from Aubrey, in the eastern part of the State. This is an area of the one-family farmer, the small-farm area—entirely different from the irrigated area—often at loggerheads with the West on cotton. The farmer says:

At a recent meeting of cotton producers and processors held in Greenville, Texas, the group unanimously endorsed the Research and Promotion Act now pending in the Senate.

From Danevang, on the gulf coast, in a county that adjoins the gulf coast, I have a letter from a large list of cottongrowers who are spread over the whole gulf coast area.

I have a letter in connection with a meeting in the small cities in the growing area. This is a letter from the Rio Grande Valley. I have letters from every section of the State of Texas, from every segment of the cotton producers, from areas often in conflict with each other—all of whom are now united as to the necessity of the pending legislation.

This is just a sampling of the vast volume of mail I have received. I ask unanimous consent that all these letters, together with the names of those who signed them, be printed at this point in the RECORD.

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

SAN ANTONIO, TEX.,
April 24, 1966.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Texas State Grange request your support for H.R. 12322 cotton promotion bill.

FRANK KNIGHT,
Master Texas State Grange.

CORPUS CHRISTI, TEX.,
March 2, 1966.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

1,500 cotton producers at annual meeting of Texas Cooperative Ginners Association and Texas Federation of Cooperatives in Corpus Christi March 1 voted unanimously Congress pass HR 12322 to permit cotton producers a referendum to assess themselves for funds to promote cotton consumption and research.

BRUNO SCHROEDER,
Executive Vice President.

REFUGIO, TEX.,
May 3, 1966.

Senator RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Please use all support within your power for passage of cotton research and promotion bill H.R. 12322.

J. F. MICHIN,
President Refugio County Chapter, South Texas Cotton Improvement Association.

DALLAS, TEX.,
April 7, 1966.

Hon. RALPH YARBOROUGH,
U.S. Senator,
Washington, D.C.:

By official action of our board of directors, we urge you to support H.R. 12322. Cotton farmers should be given this opportunity to pool funds themselves for the purpose of promoting their products.

The trouble facing cotton is primarily due to being out researched, out promoted, and out sold and often by inferior products. The passage of this bill will greatly help.

JACK WHETSTONE,
Executive Vice President, Texas Cottonseed Crusher's Association.

LUBBOCK, TEX.,
March 20, 1966.

Hon. RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.:

The board of directors of the Texas Independent Ginners Association passed the following resolution during their fourth annual meeting:

"The Texas Independent Ginners Association recognizes that cotton must have a much stronger program of research and promotion if it is to successfully compete with other fibers, and therefore we endorse the cotton research and promotion act now before the Congress as a practical means of enabling growers to make for themselves the decision of research and promotion assessments, and for the establishment of a uniform collection procedure."

DONALD G. SMITH,
Executive Vice President.

AUBREY, TEX.,
June 1, 1966.

Hon. RALPH YARBOROUGH,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR MR. YARBOROUGH: At a recent meeting of cotton producers and processors held in Greenville, Texas, the group unanimously endorsed the Research and Promotion Act now pending in the Senate.

This group likewise instructed me to notify you of their positive action, and we are urging your leadership and assistance in the speedy passage of this important piece of legislation.

Yours very truly,

EMORY KNAPP,
Chairman.

TEXAS FEDERATION OF COOPERATIVES,
April 18, 1966.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: During the annual membership meeting of the Texas Federation of Cooperatives and Texas Cooperative Ginners Association last month, 1500 cotton producers from all the cotton producing areas of Texas discussed at length HR 12322, the Cotton Research and Promotion Bill, and then voted unanimously to ask the Congress to pass the Bill.

I believe members of farmer cooperatives are better informed on cotton production and consumption problems than any group, and their vote is a good indication of the extent to which Texas cotton producers desire the opportunity to vote on whether they want a uniform assessment procedure for cotton research and promotion activities. The Bill does not force any producer to contribute if he does not desire to do so.

It is my understanding the manager of a Corpus Christi based cotton cooperative informed you that members of cooperatives were divided on support of this Bill. If he is personally opposed to the Bill, I can assure you he is in a minute minority.

I sincerely urge you to support this House passed Bill, and if there is additional information you desire, please contact me.

Sincerely yours,

BRUNO E. SCHROEDER.

Cc.: Mr. C. C. Adler, President, Texas Federation of Cooperatives.

COCHRAN COUNTY FARM BUREAU,
Morton, Tex.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: The Directors of the Cochran County Farm Bureau unanimously adopted the Cotton Research and Promotional Act, H.R. 12322.

We believe that this is a good Bill because: It is voluntary in that any producer may receive a refund for the amount collected; That none of the funds collected may be used for political or lobbying purposes; That 100 percent of the funds must be used for research and promotion of cotton; That the Cotton Board, appointed by the Secretary of Agriculture must be selected from nominees selected by the various cotton groups in the belt; That this Board shall determine where and how these funds shall be spent for research and promotion ONLY; That this will give the cotton producers an opportunity to vote in a referendum to determine if they want to contribute $1 per bale for research and promotion of cotton, and 66⅔ must vote for if the collections are made as prescribed by the Cotton Board and that this Bill shall give us an opportunity to do something for a "Sick" industry instead of looking to the Federal Government to do it for us.

We will appreciate your careful consideration of this Bill, and your vote for it.

Respectfully submitted.

W. J. WOOD, *President.*
ROY HICKMAN,
Chairman, Legislative Committee, Cochran County Farm Bureau.

SWIG COTTON,
El Paso, Tex., April 27, 1966.

Subject: Cotton Research and Promotion Act (H.R. 12322)

Hon. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Our Board of Directors passed unanimously resolution endorsing this bill in its present form. Prompt passage of this legislation is needed in order that it can be made effective for the 1966 cotton crop.

Our Association includes in its membership outstanding producers in the western edge of Texas, including Pecos, Van Horn, Dell City and the Rio Grande Valley from El Paso to Ft. Hancock.

We earnestly request your support of this legislation.

Yours very truly,

EDWARD BREIHAN,
Secretary.

SOUTH TEXAS COTTON IMPROVEMENT ASSOCIATION, INC.,
Victoria, Tex., March 14, 1966.

Senator RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: The Senate Agriculture and Forestry Committee now has under consideration a cotton research and promotion enabling act recently passed by the House.

The South Texas Cotton Improvement Association, representing over 5,000 cotton producers in the gulf coast, wishes to support vigorously the Cotton Research and Promotion Act.

We would hope that you not only vote in favor of the Act, but also help us secure other favorable votes.

This national program based on uniform collection of one dollar per bale from producers is an absolute must. It must mean the very life or death of a vital industry.

Some advocate the collection of funds from other segments of our cotton industry. They state this will help the producer carry the burden of research and promotion. Certainly anyone that understands the cotton industry and how it functions could easily realize that any funds collected from processors would only be a further tax on the producer. The processor would simply add on the required amount to the producer's charges and the producer would only end up paying the additional amount anyway.

We urge you to do all possible to seek passage of the Cotton Research and Promotion Act.

Very truly yours,

ROBERT W. HEARD.

PLAINS COOPERATIVE OIL MILL,
Lubbock, Tex., March 16, 1966.

Hon. RALPH YARBOROUGH,
U.S. Senator,
Washington, D.C.

DEAR SENATOR YARBOROUGH: I understand that a subcommittee of the Agriculture and Forestry Committee of the U.S. Senate will soon be considering a recently passed House Bill that will provide for the uniform payment of $1 per bale to do research and promotion on cotton.

Our association believes in the passage of this bill. It simply provides for a referendum wherein if growers, two-thirds of them, or two-thirds of the cotton volume favors the collection, it will be made.

As you know, Senator, we are in deep trouble with cotton. Our income on cotton this year on the South Plains will be reduced another $50 million to $60 million. We have already taken a $37½ million reduction; so since the 1963 crop, the '66 crop of two million bales will bring the growers some odd $80 million less than it would in 1963.

Now this has all been done because of our oversupply of cotton. We are simply growing more than we sell; but we people who grow cotton believe we are just not selling enough. We must either increase our sales materially both here and abroad, or we are going out of the cotton business, and there is no other industry that will take the place of cotton. I do hope that you will interest yourself in this bill and give it support at every place possible.

Yours truly,

ROY B. DAVIS,
General Manager.

ROLLING PLAINS COTTON GROWERS, INC.,
Stamford, Tex., March 17, 1966.

Hon. RALPH YARBOROUGH,
Senate Chamber,
Congress of the United States,
Washington, D.C.

DEAR SIR: My purpose in writing you is to lend my support to the Cotton Research and Promotion Bill (HR 12322). Although I am now executive vice-president of the Rolling Plains Cotton Growers, Inc., this letter does not necessarily present the views of the organization.

We are a young organization but a rapidly growing one. We are not sufficiently organized at this time to speak as a group so, for this reason, I speak only for myself.

I myself am a cotton farmer and believe the bill has tremendous possibilities. We are at a point in cotton production where we must do something to hold our markets and possibly expand them. If we cannot find new uses for cotton, we must learn to accept regulated production.

The bill as written and amended warrants your support. Only if the bill is passed by Congress will the farmer have a chance to decide for himself if he wants to support the bill or not. I think the farmers should be given the opportunity to decide for themselves through referendum if they wish to support cotton research and promotion by this means.

There is no alternative plan being offered at this time so I personally see no reason for this bill being defeated in Congress. We must promote and sell cotton if we are to raise it. If there is a better way, let's support it but, if there is no other way, let's let the farmer himself decide on this HR Bill 12322.

Sincerely,

CHARLES W. STENHOLM.

DANEVANG, TEX.,
June 6, 1966.

Hon. RALPH YARBOROUGH,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: A meeting of leading cotton producers from the upper Gulf Coast was held at El Campo, Texas, last Thursday to review the cotton situation as it relates to the Cotton Research and Promotion bill now pending in the senate.

After thorough discussion of past experience and a future program of cotton research and promotion, the producers are willing to support a motion to request the U.S. senate to support H.R. 12322 carried by unanimous support.

I am attaching a list of names of all present at this meeting, who instructed me to inform you of their wishes, that you support this legislation so that cotton producers will have an opportunity to decide by vote this most important issue.

Yours truly,

H. D. MADSEN,
Chairman, Gulf Coast Steering Committee.

COTTON INDUSTRY LEADERS ATTENDING GULF COAST AREA FOUNDERS MEETING, EL CAMPO, TEX., MAY 26, 1966

B. B. Young, East Bernard, Texas.
R. A. Hanson, Ganado, Texas.
Alfred Wind, Danevang, Texas.
H. J. Jensen, El Campo, Texas.
Willie Bender, Louise, Texas.
Hy Miller, El Campo, Texas.
Jerry Hlavaty, Hillje, Texas.
Frank Arnold, Jr., El Campo, Texas.
John Herser, Thorndale, Texas.
Roy A. Pierce, El Campo, Texas.
Joe Humphreys, El Campo, Texas.
Joe Humphreys, Jr., El Campo, Texas.
E. L. Payne, El Campo, Texas.
Marcus Salas, El Campo, Texas.
Willie E. Supak, El Campo, Texas.
A. R. Pausewany, El Campo, Texas.
Bobbie E. Curtis, Danevang, Texas.
W. G. Schmidt, El Campo, Texas.
Emil J. Bacak, El Campo, Texas.
Billy Michaelson, El Campo, Texas.
Robert W. Heard, Victoria, Texas.
Jerry Strnadel, Jr., Louise, Texas.
R. T. Mechura, Lane City, Texas.
Ath Carville, El Campo, Texas.
Gunnar Thyssen, Danevang, Texas.
George Roesner, Houston, Texas.
Ed Sellers, San Antonio, Texas.
R. S. Hermansen, El Campo, Texas.
Ina Harton, El Campo, Texas.
H. D. Madsen, Danevang, Texas.
A. J. Richter, El Campo, Texas.
Henry Thielman, Rosenberg, Texas.
W. H. Penkert, Rosenberg, Texas.
W. A. Donaldson, Wharton, Texas.
R. A. Matzke, Wharton, Texas.
Ed Lehnert, Louise, Texas.
Hans J. Nelsen, Danevang, Texas.
Adolph Raska, Needville, Texas.
Ben Dedek, Richmond, Texas.
E. J. Kaluza, Richmond, Texas.
Johnnie Berger, Needville, Texas.
Elton Kramer, Needville, Texas.
Johnny Schneider, El Campo, Texas.
Murray Tarkington, Victoria, Texas.
F. S. Tarkington, Victoria, Texas.
Loyd Engel, Beasley, Texas.
Herman Engel, Beasley, Texas.
Ken O'Rear, El Campo, Texas.
Edwin Korenek, El Campo, Texas.
Frank Krenek, Bay City, Texas.
Wilbur Krenek, Rosenberg, Texas.
Ralph Petersen, Danevang, Texas.
C. W. Boles, Edna, Texas.
Allen Bacak, El Campo, Texas.
Henry Kubena, East Bernard, Texas.
Robert Spvilik, East Bernard, Texas.
P. H. Longwood, El Campo, Texas.
Roy W. Lofton, Blessing, Texas.
Joe Zalman, El Campo, Texas.
D. A. Barton, El Campo, Texas.
W. S. Harton, El Campo, Texas.
C. K. Zalman, El Campo, Texas.
George Bohlen, Taylor, Texas.
W. A. Ladewig, El Campo, Texas.
Emil Petter, Hungerford, Texas.
B. D. Krag, Danevang, Texas.
Pete Fucik, El Campo, Texas.
Louis Lopanec, El Campo, Texas.
Walter Hughes, El Campo, Texas.
Alvin Kettler, Needville, Texas.
Henry Kana, El Campo, Texas.
R. K. Phillips, Sugarland, Texas.
Jerry Strnadel, Sr., Louise, Texas.
Leonard Wittig, Wharton, Texas.
Lawrence Petersen, Danevang, Texas.
W. B. Barrett, Richmond, Texas.
Henry Nielsen, El Campo, Texas.
Henry Roberts, El Campo, Texas.
W. C. Michaelson, El Campo, Texas.
S. L. Kucherka, Eagle Lake, Texas.
Lucian Kainer, El Campo, Texas.
Henry Smith, Wharton, Texas.
Harold M. Grar, Wharton, Texas.
A. J. Wendel, El Campo, Texas.
Peter Weishuhn, El Campo, Texas.
Jerome Holub, El Campo, Texas.
Louis Bacak, Jr., El Campo, Texas.
Herschel Hunt, El Campo, Texas.
W. F. Kainer, El Campo, Texas.
J. F. Strnadel, Louise, Texas.
Ed Strnadel, El Campo, Texas.

CITY OF BISHOP,
Bishop, Tex., May 25, 1966.

Hon. RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: At a meeting today of cotton leaders held in Corpus Christi, Texas at the Driscol hotel a resolution was passed by unanimous vote in favor of H.R. 12322, the cotton promotion and research bill.

They instructed us as co-chairmen of the meeting to inform you of their action with the request that you do everything possible in support of the bill.

A list of those present is attached to this letter. This also is furnished to you at their request. A substantial part of the cotton produced in the Coastal Bend area of Texas is represented by these growers.

Any support you can give to early passage of this legislation will be greatly appreciated. We feel that growers should have the right to decide this issue in referendum.

From many statements that you have made in the past we know this to be in line with principles that you believe in.

Thanks in advance for your support in this matter.

Very truly yours,

J. H. WEST,
Chairman, Bishop, Tex.
M. E. DECHERD,
Vice Chairman, Taft, Tex.

Attachment.

COTTON INDUSTRY LEADERS WHO ENDORSED H.R. 12322 AT MEETING IN CORPUS CHRISTI, TEX., MAY 25, 1966

J. M. Price, Corpus Christi.
Harold Teel, Robstown.
G. W. Rauch, Robstown.
Alton Hutchinson, Robstown.
Raymond Gatzki, Taft.
Conrad Dorne, Woodsboro.
Frank Stubbs, Corpus Christi.
Charles J. Hartman, Corpus Christi.
Q. M. Priday, Jr., Engleside.
P. W. Grevelle, Corpus Christi.
W. O. Outlaw, Victoria.
C. P. Rosson, Jr., Taft.
A. E. Teltschik, Taft.
W. D. Miller, Taft.
E. H. Kirkpatrick, Chapman Ranch.
Harry L. White, Chapman Ranch.
R. E. Nolan, Robstown.
M. E. Decherd, Taft.
W. W. Hart, Sinton.
T. I. Brown, Jr., Bishop.
J. F. Michna, Woodsboro.
U. E. Ray, Sinton.
Casper Gerdes, Jr., Sinton.
J. P. Kercheville, Corpus Christi.
Leon Eschberger, Alice.
Joe McNair, Banquete.
A. C. Pfeiffer, Corpus Christi.
Ben Abney, Woodsboro.
E. M. Beard, Taft.
H. C. Hunt, Gregory.
A. E. Elzner, Taft.
Jack Harlan, Bishop.
Wallace Redding, Bishop.
Giles L. Dodson, Corpus Christi.
J. J. Jackson, Chapman Ranch.
W. P. Cooper, Robstown.
H. H. Olson, Woodsboro.
F. E. Flynn, Corpus Christi.
Tim Donoghue, Corpus Christi.
Bill Sheka, Corpus Christi.
C. F. Spiekerman, Odem.
B. D. Moses, Odem.
Herman Jostes, Tynan.
Joe Laird, Crystal City.
W. N. Parr, Robstown.
Tom Reding, Taft.
James Knight, Mathis.
Eric Hartzendorf, Sinton.
B. J. Niemann, Woodsboro.
Leo A. Miller, Gregory.
G. B. Humphries, Robstown.
E. C. McDaniel, Odem.
Allen B. Cooper, Corpus Christi.
J. S. Rayl, Corpus Christi.
C. S. Brown, Mathis.
George Hoffman, Alice.
J. W. Albin, Taft.
Stanley Webb, Jr., Odem.
Eugene Turner, Odem.
John Brough, Edroy.
J. R. Adams, Edroy.
J. H. Schmalsttkg, Sinton.
Charlie Hankins, Robstown.
Herbert Heller, Victoria.
John A. True, Jr., Alice.
Frank A. Hartman, Jr., Woodsboro.
Frank Vesalka, Woodsboro.
H. McDonald, Taft.
Robert Prinz, Bishop.
Edwin Bertram, Bishop.
R. D. Moses, Robstown.
Billy Ray London, Corpus Christi.
B. W. Beckham, Jr., Corpus Christi.
Robert W. Heard, Victoria.
Lamar Felda, Corpus Christi.
J. W. Jalufka, Robstown.

VALEE COMPRESS & WAREHOUSE CO.,
Raymondville, Tex., May 31, 1966.

Hon. RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR YARBOROUGH: We of the Cotton Industry need your YES vote on bill HR-12322, Cotton Research and Promotion Act.

We feel this would be good for the cotton growers, ginners, cotton seed crushers and warehousemen and others in the industry and should be made into law. Without something quick the cotton business is doomed.

Your vote for HR-12322 will be greatly appreciated.

With kindest personal regards, I am,

Yours very truly,

ROBERT HARRIS,
Vice President and General Manager.

SOUTH TEXAS COTTON
OIL DIVISION,
HUNT FOODS AND INDUSTRIES, INC.,
Harlingen, Tex., May 25, 1966.

Senator RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SIR: I am sure that you are aware of the serious situation that exists in the cotton industry at this time. I am also sure that you are aware of the important position cotton holds in the economy of the State of Texas.

I believe that HR 12322, the Cotton Research and Promotion Act, will provide a means by which the cotton producer can regain a large part of the markets that have been lost to foreign cotton and synthetic fibers during the last few years.

I trust that you will use all your influence both in the Agriculture Committee and on the Senate floor to see that this bill is passed at the earliest possible date.

Yours very truly,

E. L. KIRK, *Manager.*

SEBASTIAN COTTON & GRAIN CORP.,
Sebastian, Tex., May 25, 1966.

Hon. RALPH YARBOROUGH,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: A meeting of Lower Rio Grande Valley cotton leaders was held yesterday at the Echo Hotel in Edinburg to discuss the cotton situation as it relates to the Cotton Research and Promotion bill now pending in the Senate.

After very thorough discussion this group which represents a very large percent of our valley production voted, with only one dissenting vote, in favor of supporting HR 12322 and urging its speedy passage by the Senate so it may apply to this year's crop.

They instructed me as chairman of the meeting to inform you of their action and to request your all out assistance in securing rapid passage of this bill by the Senate. Those endorsing this legislation also asked that their names be attached to my letter.

Sincerely yours,

JACK FUNK.

Attachment.

COTTON INDUSTRY LEADERS WHO ENDORSED H.R. 12322 AT MEETING IN EDINBURG, TEX., MAY 24, 1966

John Abbott, Harlingen.
George Labar, Harlingen.
Elwood Kirk, Harlingen.
C. E. Marcum, Harlingen.
William T. Dudley, Elsa.
R. C. Vittitor, San Benito.
Larry Franks, Sebastian.
Jay Dudley, Mercedes.
D. W. McElwrath, Harlingen.
Redys McElwrath, Combes.
Leonard Littleton, McAllen.
Hector Guerra, Rio Grande City.
M. E. Wentz, Brownsville.
Dan Robinson, La Feria.
Jerry Teser, Donna.
C. T. Peters, Jr., Donna.
James P. Pealor, La Vila.
Howard Wright, Weslaco.
Roy Jansen, Weslaco.
Jesse A. Krueger, Edinburg.
Jesus Navarro, Mission.
Gerardo Alaniz, Mission.
Elisio Trevinio, Edinburg.
Manuel Mercado, Mission.
Welch Richardson, Brownsville.
Bill Fletcher, Sebastian.
Joe Davis, Edinburg.
Lewis Fry, Elsa.
Sven Vassberg, Lyford.
Paul Vassberg, Lyford.
Jesus M. Alvarado, Delmita.
Howard Kutzenberger, Harlingen.
Harry Foehner, Harlingen.
C. C. Alder, Harlingen.
Frank Gross, Pharr.
George Shimek, Santa Rosa.
Ken Martin, Harlingen.
L. M. Richardson, Corpus Christi.
Carl Pratt, Corpus Christi.
Harry Thompson, Mission.
Hubert Thompson, Mission.
Bill Joe Simpson, Rio Hondo.
Leo Reddell, San Perlita.
M. H. Hellman, San Perlita.
Charlie Hoot, San Perlita.
Eugene Stroebel, Donna.
Conly Bell, Elsa.
Sam Tayloe, Monte Alto.
Robert Harris, Raymondville.
J. A. Pennington, Raymondville.
Kenneth Scoggins, Harlingen.
Rex Steele, Harlingen.
John Wreden, Lyford.
C. W. Browning, Lyford.
Bruce Gilbert, Lyford.
W. D. Dillon, Mercedes.
Frank Barnett, San Benito.
Morris Jones, San Juan.
E. R. Russell, San Juan.
E. F. Nattinger, Edcouch.
O. M. Joyce, Progresso.
R. E. George, Mercedes.
C. C. Stokes, Edcouch.
E. C. Spicer, San Benito.
Jean Kirkland, Santa Rosa.
Fritz Belschner, Sebastian.
Bill Busch, Pharr.

EL PASO VALLEY COMPRESS CO.,
Fabens, Tex., May 21, 1966.

Hon. RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: As, I am sure, you are well aware, the Senate will soon consider the Cotton Research and Promotion Bill (H.R. 12322). I earnestly solicit your support of this self-help bill for the American cotton industry. Cotton today faces a life and death struggle with synthetics. Increased research and promotion are the routes which will lead us to a more healthy and prosperous future. We must sell more and better cotton products if we expect to grow and process more raw cotton.

Passage of the Cotton Research and Promotion Act is a most important issue facing the cotton industry today. I sincerely hope that we can count on your full support of this bill when it comes before the Senate.

Yours truly,

ROBERT H. VICKERS,
Vice President and General Manager.

SOUTH TEXAS COOPERATIVE
MARKETING ASSOCIATION,
Corpus Christi, Tex., May 3, 1966.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR MR. YARBOROUGH: With reference to our telephone conversation of May 2, 1966, we wish to confirm this conversation and how we now stand on H.R. 12322.

After a meeting of the Board of Directors of this Association on Saturday, April 30, 1966 and after the revisions made in this bill, this Association asks that you now disregard our previous letters concerning this bill and do all in your power to help the passage before the new cotton season starts around the first of July.

As we stated by telephone yesterday, the executives of the various State Farm Bureaus are still against the passage of this bill but for your information the local members are backing this bill 100 per cent—or the producer is going against the will of the executives. We cannot understand the Bureau's thinking on this matter since the revisions of the bill protect the producer in all respects.

Thank you for your help now and in the future, we remain

Very truly yours,

ALLEN B. COOPER,
General Manager.

ROBSTOWN, TEX.,
May 14, 1966.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Our group of Young Farmers has been reading with considerable interest the progress of HR Bill 12322, the Cotton Research and Promotion Bill.

As Young Farmers vitally concerned with problems confronting the cotton industry, we are writing to say the bill has our wholehearted endorsement. We are asking that you exert all the influence of your office to publicize its importance to agriculture.

Since the bill has passed the House, we are hopeful that it will go all the way and receive approval of the Senate. We feel the matter deserves the help and sympathetic understanding of those in a position to advance its cause. We hope prompt passage by the Senate will give farmers a chance to vote on the issue.

Trusting you will give vigorous support to the passage of HR Bill 12322, we are

Sincerely yours,

MATHIS YOUNG FARMERS ASSOCIATION, MATHIS, TEX.,
JOHN LLOYD BLUNTZER,
President.

MERCEDES, TEX.,
May 11, 1966.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SIR: As a cotton grower we urge you to support and vote for HR 12322 for the promotion and research of cotton fiber.

Cotton has a carryover of over 16½ millin bales and we need to promote products of this industry to compete with man-made fiber.

We know that you often vote against the farmer's welfare, please give this careful consideration.

Sincerely,

Mr. and Mrs. H. E. VOGEL.

MORTON, TEX.,
April 29, 1966.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: The Cochran County Program Building Committee 31 farmer members met April 26th and after a thorough discussion of the Cotton Research and Promotion Act, H.R. 12322; passed a resolution supporting this bill unanimously.

We believe that this bill, if passed, will become one of the great "Milestones" in agriculture.

It will give the farmers their first opportunity to express themselves as to their interest in the promotion and research of a farm product on a national basis, and if the referendum passes it should improve their "Public Image" on a national basis, and start doing something for themselves instead of depending on the Federal Government.

We believe that the future of the cotton industry shall depend upon the passage of this Bill.

One of the large farm organizations is opposing this Bill, but their objections are not founded upon facts; the Bill is not compulsory, in that any producer may get a refund, and if you will study other objections they have and check them with the Bill—they have no basis.

We will appreciate your support of this important Bill.

Yours very truly,

GLENN W. THOMPSON,
Chairman.

Members of the Cochran County Program Building Committee:

E. C. Hall, Curtis Sealip; Truman Anglin, J. I. Thomas, Billy M. Weems, Ralph Burt, ——— ———.

ROLLING PLAINS COOPERATIVE COMPRESS,
Sweetwater, Tex., May 6, 1966.

Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR MR. YARBOROUGH: At our monthly committee meeting May 5, 1966, on a motion by Jack Merket, Stamford, Texas, seconded by Ross Hargrove, Colorado City, Texas, it was voted that the Rolling Plains Cooperative Compress endorse the following resolution:

"That Cotton Producer's Institute be commended for its research and promotion programs. That we endorse the proposed plans of its Board of Trustees for the establishment of a uniform collection procedure so as to provide adequate financing to meet the cotton industry's requirements."

Sincerely,

GENE HOWARD,
Manager.

ROSSON GIN & ELEVATOR CO.,
Taft, Tex., May 3, 1966.

Senator RALPH YARBOROUGH,
Old Senate Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: I am writing regarding H.R. 12322, a Bill now before the Holland Subcommittee on Agriculture. This Bill as you know would enable cotton producers to vote in referendum as to whether they desire to assess themselves a dollar a bale for research and promotion.

I am convinced that swift passage of this legislation is absolutely essential for the cotton industry to have a chance to survive and prosper.

I respectfully request your vote and help in moving this Bill in its present form through the Senate.

Regards,

C. P. ROSSON, Jr.

SEBASTIAN COTTON & GRAIN CORP.,
Sebastian, Tex., April 20, 1966.

Hon. RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: The last time I visited with you was in Dallas at our Ginners Convention just a little over a year ago. At that Time I discussed with you what we were trying to do for ourselves in the field of research and promotion.

Since then we have had introduced into Congress bill H.R. 12322 to enable us to have a uniform collection of these funds to carry out these projects that are underway to help us move our cotton into the trade channels.

I would certainly hope that you could and would support this bill. It is one that isn't costing the tax payer any money and could certainly lead to a saving in the Dep't. as far as cotton is concerned.

I wish to thank you again for the many things you have done for agriculture in Texas.

Yours respectfully,

JACK FUNK.

CEN-TEX COTTON OIL MILL,
Thorndale, Tex., April 27, 1966.

Hon. RALPH YARBOROUGH,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The board of directors of the Cen-Tex Cotton Oil Mill, Thorndale, Tex., in their regular quarterly board meeting held April 21, 1966, unanimously voted in support of the Cotton Research and Promotion Bill (H.R. 12322).

We would appreciate your doing everything possible to assure passage of this legislation.

Very truly yours,

JOHN F. HERZER,
Manager.

Mr. TALMADGE. Mr. President, I understand that the distinguished minority leader desires to be notified before third reading. While the attachés are notifying the distinguished minority leader, I wish to respond to the inquiry of the distinguished senior Senator from Ohio [Mr. LAUSCHE].

Section 8c(6)(I) of the Agricultural Adjustment Act, as reenacted by the Agricultural Marketing Agreement Act of 1937 provides as follows:

(6) In the case of the agricultural commodities and the products thereof, other than milk and its products, specified in subsection (2), orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)), no others:

* * * * *

(I) Establishing or providing for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution and consumption of any such commodity or product, the expense of such products to be paid from funds collected pursuant to the marketing order: *Provided*, That with respect to orders applicable to cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, or avocados such projects may provide for any form of marketing promotion including paid advertising.

So, this type of provision is not new. It has been authorized for many years, and has been adopted for a number of products.

Mr. President, I send to the desk, and ask that it be inserted in the RECORD at this point, a list of marketing agreements and orders in effect for fruits, vegetables, and nuts. The list is 11 pages in length, and the orders cover approximately 30 commodities. It lists 46 orders. The 32 orders designated by asterisks provide for marketing research and development. There are also 75 milk marketing orders, but there is no authority for research and promotion provisions in milk orders. There is also a tobacco order, and it contains no provision for research and promotion.

There being no objection, the agreements and orders were ordered to be printed in the RECORD.

Marketing agreements and orders in effect for fruits, vegetables, and nuts, June 15, 1966

Commodity and area [1]	Marketing agreement		Marketing order	
	Number	Effective	Number	Effective
FRUIT BRANCH				
Citrus fruits:				
*Grapefruit: [2] Arizona and California.	96	May 26, 1941	909	May 26, 1941.
Amendment		Dec. 15, 1949		Dec. 15, 1949.
Do		Sept. 15, 1958		Sept. 15, 1958.
Do		Nov. 13, 1962		Nov. 14, 1962.
Grapefruit, Indian River: Florida.	136	Jan. 8, 1962	912	Jan. 8, 1962.
Amendment		Jan. 1, 1963		Jan. 1, 1963.
Do		Dec. 19, 1963		Dec. 19, 1963.
Grapefruit, Interior: Florida	150	Dec. 20, 1965	913	Dec. 20, 1965.
*Lemons: [2] California and Arizona.	94	Apr. 10, 1941	910	Apr. 10, 1941.
Amendment		Mar. 23, 1948		Mar. 23, 1948.
Do		Aug. 24, 1949		Aug. 24, 1949.
Do		June 12, 1951		June 12, 1951.
Do		Nov. 26, 1953		Nov. 26, 1953.
Do		Nov. 5, 1954		Nov. 5, 1954.
Do		Dec. 15, 1955		Dec. 15, 1955.
Do		June 22, 1956		June 22, 1956.
Do		Nov. 21, 1958 [3]		Nov. 21, 1958.[3]
Do		Aug. 15, 1962 [4]		Aug. 15, 1962.[4]
*Limes: [2] Florida	126	June 15, 1955	911	June 15, 1955.
Amendment		April 13, 1957		April 13, 1957.
Do		Feb. 1, 1965		Feb. 1, 1965.
Oranges, grapefruit, tangerines, and tangelos: Florida.	84	Feb. 22, 1939	905	Feb. 22, 1939.
Amendment		Sept. 1, 1946		Sept. 1, 1946.
Do		Dec. 15, 1947		Dec. 15, 1947.
Do		Dec. 2, 1957		Dec. 2, 1957.
Do		Nov. 4, 1965		Nov. 4, 1965.
*Oranges and grapefruit: [2] Texas	141	Sept. 22, 1960	906	Sept. 22, 1960.
*Oranges, Navel: [2] Arizona and California.	117	Sept. 22, 1953	907	Sept. 22, 1953.
Amendment		Aug. 1, 1954		Aug. 1, 1954.
Do		July 30, 1956		July 30, 1956.
Do		Nov. 1, 1962		Nov. 1, 1962.
*Oranges, Valencia: [2] Arizona and California.	131	June 22, 1956	908	Mar. 31, 1954.[5]
Amendment				June 22, 1956.
Do		Oct. 15, 1962		Oct. 15, 1962.
Other fruits:				
*Apricots: [2] Washington	132	May 21, 1957	922	May 21, 1957.
Amendment		July 3, 1962		July 3, 1962.
*Avocados: [2] Florida	121	June 11, 1954	915	June 11, 1954.
Amendment		June 15, 1955		June 15, 1955.
Do		June 21, 1957		June 21, 1957.
Do		Feb. 1, 1965		Feb. 1, 1965.
*Cherries: [2] Washington	134	June 1, 1957	923	June 1, 1957.
*Cranberries: [2] Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Oregon, Minnesota, Washington, Long Island, N.Y.	145	Aug. 15, 1962	929	Aug. 15, 1962.
Amendment		June 20, 1964		June 20, 1964.
*Tokay grapes: [2] California	93	Aug. 20, 1940	926	Aug. 20, 1940.
Amendment		Aug. 24, 1941		Aug. 24, 1941.
Do		Mar. 1, 1949		Mar. 1, 1949.
Do		Aug. 15, 1952		Aug. 15, 1952.
Do		Aug. 18, 1953		Aug. 18, 1953.
Do		Feb. 6, 1959		Feb. 6, 1959.
**Nectarines: [6] California	124	June 25, 1958	916	June 25, 1958.
Amendment		June 10, 1966		June 10, 1966.
*Olives: [2] California	148	October 2, 1965. September 1, 1966.[7]	932	October 2, 1965. September 1, 1966.[7]
Peaches: [2] Colorado	88	August 15, 1939	919	August 15, 1939.
Amendment		August 4, 1950		August 4, 1950.
Do		July 28, 1956		July 28, 1956.
Peaches: Georgia	99	April 27, 1942	918	April 27, 1942.
Amendment		June 27, 1950		June 27, 1950.
Do		May 26, 1953		May 26, 1953.
Do		May 13, 1954		May 13, 1954.
Peaches: Utah	91	July 24, 1940	920	July 24, 1940.
*Peaches: [2] Washington	138	May 27, 1960	921	May 27, 1960.
*Bartlett pears: [2] Washington-Oregon.	147	Jan. 1, 1966	931	Jan. 1, 1966.
*Bartlett pears, plums, and Elberta peaches: [2] California.	85	May 29, 1939	917	May 29, 1939.
Amendment		July 17, 1940		July 17, 1940.
Do		Feb. 15, 1949		Feb. 15, 1949.
Do		May 21, 1949		May 21, 1949.
Do		Dec. 23, 1965		Dec. 23, 1965.
FRUIT BRANCH—continued				
Other fruits—Continued				
*Winter pears: [2] Oregon, Washington, and California.	89	Aug. 26, 1939	927	Aug. 26, 1939.
Amendment		Oct. 9, 1950		Oct. 9, 1950.
Do		Feb. 5, 1962		Feb. 4, 1962.
*Fresh prunes: [2] Idaho-Oregon	140	July 21, 1960	925	July 21, 1960.
*Fresh prunes: [2] Washington-Oregon.	139	July 7, 1960	924	July 7, 1960.
SPECIALTY CROPS BRANCH				
Fruits:				
*Dates: [2] California	127	July 15, 1955 [8]	987	July 15, 1955.[8]
Amendment		Sept. 9, 1958		Sept. 9, 1958.
Do		July 19, 1962. Aug. 1, 1962 [9]		July 19, 1962. Aug. 1, 1962.[9]
Do		Aug. 1, 1964 [10]		Aug. 1, 1964.[10]
*Dried prunes: [2] California	110	Aug. 25, 1949 [11]	993	Aug. 25, 1949.[11]
Amendment		Aug. 26, 1951		Aug. 26, 1951.
Do		Mar. 9, 1954		Mar. 9, 1954.
Do		Oct. 19, 1957		Oct. 19, 1957.
Do		Feb. 19, 1961 [12]. Aug. 1, 1961 [13]		Feb. 19, 1961.[12] Aug. 1, 1961.[12]
Do		Aug. 6, 1965		Aug. 6, 1965.
*Raisins: [2] California	109	Aug. 18, 1949	989	Aug. 18, 1949.
Amendment		Sept. 1, 1955		Sept. 1, 1955.
Do		Oct. 25, 1956		Oct. 25, 1956.
Do		Dec. 14, 1960		Dec. 14, 1960.
Do		July 11, 1964 [13]		July 11, 1964.[13]
Nuts:				
Almonds: California	119	Aug. 4, 1950	981	Aug. 4, 1950.
Amendment		July 1, 1957		July 1, 1957.
Do		Oct. 26, 1957		Oct. 26, 1957.
Filberts: Oregon and Washington.	115	Oct. 1, 1949	982	Oct. 1, 1949.
Amendment		Mar. 3, 1954		Mar. 3, 1954.
Do		Aug. 1, 1959		Aug. 1, 1959.
Peanuts: 16 States, Virginia to California.	146	July 12, 1965		
*Walnuts: [2] California, Oregon, and Washington.	105	Aug. 1, 1948	984	Aug. 1, 1948.
Amendment		July 10, 1954		July 10, 1954.
Do		July 28, 1955		July 28, 1955.
Do		Oct. 4, 1957		Oct. 4, 1957.
Do		Sept. 13, 1962		Sept. 13, 1962
VEGETABLE BRANCH				
Potatoes:				
*Colorado [2]	97	Aug. 30, 1941	948	Aug. 30, 1941.
Amendment		Aug. 1, 1960		Aug. 1, 1960.
Idaho-Oregon	98	Jan. 19, 1950	945	Sept. 5, 1941.[5]
Amendment				Jan. 19, 1950.
Do		Sept. 1, 1958		Sept. 1, 1958.
Maine	122	Aug. 30, 1954	950	Aug. 30, 1954.
Amendment		July 24, 1962		July 24, 1962.
Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont.			951	Nov. 12, 1950.[5]
*Oregon and California [2]	114	Nov. 7, 1949	947	Jan. 26, 1942.[5]
Amendment				Nov. 7, 1949.
Do		Sept. 21, 1955		Sept. 21, 1955.
Eastern South Dakota	103	May 15, 1948	952	May 15, 1948.
Southeastern States	104	May 24, 1948	953	May 24, 1948.
Washington	113	Sept. 28, 1949	946	Sept. 28, 1949.
Other vegetables:				
*Carrots: [2] Texas	142	Oct. 5, 1960	970	Oct. 5, 1960.
Amendment		Aug. 23, 1963 [14]		Aug. 23, 1963.[14]
Celery: Florida	149	Nov. 15, 1965	967	Nov. 15, 1965.
*Lettuce: [2] Texas	144	Dec. 1, 1960	971	Dec. 1, 1960.
*Onions: [2] Idaho-Oregon	130	Feb. 4, 1957	958	Feb. 4, 1957.
*Onions: [2] Texas	143	Feb. 6, 1961	959	Feb. 6, 1961.
Amendment		Mar. 12, 1962		Mar. 12, 1962.
Peas and cauliflower: Colorado.	67	Aug. 9, 1936	972	Aug. 9. 1936.
Amendment		Apr. 13, 1942		Apr. 13, 1942.
Do		May 26, 1954		May 26, 1954.
*Tomatoes: [2] Florida	125	Oct. 8, 1955	966	Oct. 8, 1955.
*Tomatoes: [2] Texas			965	Apr. 2, 1959.[5]

*These marketing orders have marketing research and development authorization.

**The Nectarine marketing order has paid advertising authority included with marketing research and development authority.

[1] Areas are given by States only. For specific area covered, see marketing agreement or marketing order.

[2] These marketing orders have marketing research and development authorization.

[3] Provisions relating to changes in the method of computing the prorate bases and allotments of handlers became effective Nov. 30, 1958, in districts 1 and 3, and Jan. 18, 1959, in district 2.

[4] Provisions relating to changes in composition of the Administrative Committee became effective Nov. 1, 1962.

[5] Date given for marketing order only, as no marketing agreement was issued at that time. The marketing order was issued pursuant to the authority contained in the Agricultural Marketing Agreement Act of 1937, as amended, authorizing such orders without an accompanying marketing agreement.

[6] The nectarine marketing order has paid advertising authority included with marketing research and development authority.

[7] The effective date for secs. 932.51, 932.52, and 932.53 covering the regulation of olives becomes effective Sept. 1, 1966.

[8] Provisions relating to minimum standards of quality, additional grade regulation, volume regulation, inspection requirements, and collection of assessments became effective Sept. 1, 1955.

[9] The provision authorizing credit for excess disposition of product dates became effective July 19, 1962. The remaining provisions became effective Aug. 1, 1962.

[10] The effective date for the revision of sec. 987.9, permitting dates to be removed to storage in specified areas outside the area of production, is July 18, 1964.

[11] Provisions relating to grade regulation and inspection requirements became effective Sept. 1, 1949.

[12] Provisions pertaining to marketing policy considerations and administrative matters of the Prune Administrative Committee became effective Feb. 19, 1961. The remaining provisions became effective Aug. 1. 1961.

[13] The effective date for the revision of sec. 989.80, requiring the payment of assessments by reconditioners, is Sept. 1, 1964.

[14] Terminated July 31, 1966.

Mr. SALTONSTALL. Mr. President, I support the cotton research and promotion bill pending before us today because I believe this program will provide an important stimulus for our whole cotton industry.

We in New England are very much concerned about cotton because we are the manufacturers of the final product. Last year Congress reduced the price of cotton to domestic mills to world price levels. This gave our domestic industry a fair chance to compete pricewise both with foreign imports and with the synthetic fabrics. But this alone will not resolve the problem of the continuing decline of cotton's share in the total U.S. fiber market. We need new and imaginative uses for cotton to sustain our whole industry, which goes from the cotton farmers to the manufacturers. I think one need only look at the figures in the Agriculture Committee's report to see the problem facing cotton as a competitive product: from 1930 to 1960 the cotton share of our fiber market dropped from about 85 percent to 65 percent. By 1965 it had dropped further to about 53 percent. Although the use of cotton by the mills has been increasing in the past few years, still its total share of the fiber market declines.

Other fiber industries have concentrated a great deal of effort and money on research and promotion of their product. It is time for cotton seriously to turn attention to these two vital aspects of industry effort in today's competitive market. Rather than "let the Federal Government do it," which we hear so often these days, this bill would provide the people most concerned with their own product the opportunity to set up and run a program which would directly benefit their industry. It is not, however, a compulsory Federal program. Those farmers who do not agree do not need to participate.

I believe this bill will offer another opportunity to our cotton industry to get back on its feet and maintain a healthy, competitive position in the increasing fiber consumption market.

Mr. TOWER. Mr. President, I have long pointed out the need for a program to promote increased use and consumption of cotton. Cotton producers have been faced during the past several years with growing competition from other natural and manmade fibers, and it has become obvious that special attention must be paid to this important industry.

The fact is that use of cotton in the United States, compared to the total percentage of fibers used, has declined over the years and continues to decline. While passage of the cotton laws of 1964 and 1965 has apparently relieved the pressures on producers, there still is a very great need for an organized assault on the basic problem of shrinkage of the total cotton market.

Related to the problem of increasing cotton consumption through promotion, is the problem of making cotton more salable through an increase in research. It has become obvious that the problem requires particular care and a united assault in order to realize complete success. This bill provides for a unified assault on the problem.

This bill is not a perfect solution, but it does constitute a step in the right direction. I intend to vote for this bill, and I urge my colleagues to support it.

Mr. TALMADGE. Mr. President, pending the arrival of the distinguished minority leader, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BAYH in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 95 Leg.]

Aiken	Hickenlooper	Nelson
Allott	Hill	Pearson
Anderson	Holland	Pell
Bayh	Hruska	Proxmire
Bible	Inouye	Randolph
Boggs	Jackson	Ribicoff
Brewster	Javits	Robertson
Burdick	Jordan, N.C.	Russell, Ga.
Byrd, W. Va.	Lausche	Saltonstall
Cannon	Long, Mo.	Scott
Clark	Long, La.	Simpson
Cooper	Magnuson	Smith
Curtis	McCarthy	Stennis
Dirksen	McClellan	Symington
Douglas	McGee	Talmadge
Eastland	McGovern	Thurmond
Ellender	McIntyre	Tower
Fulbright	Miller	Williams, N.J.
Gore	Monroney	Williams, Del.
Griffin	Morse	Yarborough
Gruening	Morton	Young, N. Dak.
Harris	Mundt	Young, Ohio
Hart	Murphy	
Hartke	Muskie	

Mr. LONG of Louisiana. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Tennessee [Mr. BASS], the Senator from Idaho [Mr. CHURCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Montana [Mr. MANSFIELD], the Senator from New Mexico [Mr. MONTOYA], the Senator from Utah [Mr. MOSS], the Senator from Rhode Island [Mr. PASTORE], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Maryland [Mr. TYDINGS] are absent on official business.

I also announce that the Senator from North Carolina [Mr. ERVIN] is absent because of a death in the family.

I further announce that the Senator from Virginia [Mr. BYRD], the Senator from Connecticut [Mr. DODD], the Senator from New York [Mr. KENNEDY], the Senator from Montana [Mr. METCALF], the Senator from Minnesota [Mr. MONDALE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from South Carolina [Mr. RUSSELL], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

Mr. DIRKSEN. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Kansas [Mr. CARLSON] and the Senator from Colorado [Mr. DOMINICK] are absent on official business.

The Senator from New Jersey [Mr. CASE], the Senator from New Hampshire [Mr. COTTON], the Senator from Arizona [Mr. FANNIN], the Senator from Hawaii [Mr. FONG], the Senator from California [Mr. KUCHEL], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The Senator from Idaho [Mr. JORDAN] is absent on official committee business.

The PRESIDING OFFICER. A quorum is present.

Mr. TALMADGE. Mr. President, if there are no further amendments to be proposed, I ask for the third reading of the bill.

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

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

The bill was read the third time.

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

The yeas and nays were ordered.

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

The legislative clerk proceeded to call the roll.

Mr. BAYH (when his name was called). On this vote I have a live pair with the Senator from Minnesota [Mr. MONDALE]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Tennessee [Mr. BASS], the Senator from Idaho [Mr. CHURCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Montana [Mr. MANSFIELD], the Senator from New Mexico [Mr. MONTOYA], the Senator from Utah [Mr. MOSS], the Senator from Rhode Island [Mr. PASTORE], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Maryland [Mr. TYDINGS] are absent on official business.

I also announce that the Senator from North Carolina [Mr. ERVIN], is absent because of a death in the family.

I further announce that the Senator from Virginia [Mr. BYRD], the Senator from Connecticut [Mr. DODD], the Senator from New York [Mr. KENNEDY], the Senator from Montana [Mr. METCALF], the Senator from Minnesota [Mr. MONDALE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from South Carolina [Mr. RUSSELL], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. BASS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Utah [Mr. MOSS], the Senator from Rhode Island [Mr. PASTORE], the

Senator from Alabama [Mr. SPARKMAN], and the Senator from Maryland [Mr. TYDINGS] would each vote "yea."

On this vote, the Senator from North Carolina [Mr. ERVIN] is paired with the Senator from Utah [Mr. BENNETT]. If present and voting, the Senator from North Carolina would vote "yea" and the Senator from Utah would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Kansas [Mr. CARLSON], and the Senator from Colorado [Mr. DOMINICK] are absent on official business.

The Senator from New Jersey [Mr. CASE], the Senator from New Hampshire [Mr. COTTON], the Senator from Arizona [Mr. FANNIN], the Senator from Hawaii [Mr. FONG], the Senator from California [Mr. KUCHEL], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The Senator from Idaho [Mr. JORDAN] is absent on official committee business.

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from North Carolina [Mr. ERVIN]. If present and voting, the Senator from Utah would vote "nay" and the Senator from North Carolina would vote "yea."

On this vote, the Senator from Kansas [Mr. CARLSON] is paired with the Senator from Idaho [Mr. JORDAN]. If present and voting, the Senator from Kansas would vote "yea" and the Senator from Idaho would vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from Colorado [Mr. DOMINICK]. If present and voting, the Senator from California would vote "yea" and the Senator from Colorado would vote "nay."

The result was announced—yeas 49, nays 20, as follows:

[No. 96 Leg.]

YEAS—49

Aiken	Jordan, N.C.	Randolph
Bible	Long, Mo.	Ribicoff
Brewster	Long, La.	Russell, Ga.
Burdick	Magnuson	Saltonstall
Byrd, W. Va.	McCarthy	Scott
Cannon	McClellan	Simpson
Clark	McGee	Smith
Ellender	McGovern	Symington
Fulbright	McIntyre	Talmadge
Gruening	Monroney	Thurmond
Harris	Morse	Tower
Hart	Mundt	Williams, N.J.
Hartke	Murphy	Yarborough
Hill	Muskie	Young, N. Dak.
Inouye	Nelson	Young, Ohio
Jackson	Pell	
Javits	Proxmire	

NAYS—20

Allott	Eastland	Miller
Anderson	Gore	Morton
Boggs	Griffin	Pearson
Cooper	Hickenlooper	Robertson
Curtis	Holland	Stennis
Dirksen	Hruska	Williams, Del.
Douglas	Lausche	

NOT VOTING—31

Bartlett	Ervin	Montoya
Bass	Fannin	Moss
Bayh	Fong	Neuberger
Bennett	Hayden	Pastore
Byrd, Va.	Jordan, Idaho	Prouty
Carlson	Kennedy, Mass.	Russell, S.C.
Case	Kennedy, N.Y.	Smathers
Church	Kuchel	Sparkman
Cotton	Mansfield	Tydings
Dodd	Metcalf	
Dominick	Mondale	

So the bill (H.R. 12322) was passed.

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

Mr. LONG of Louisiana. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the acting distinguished majority leader about the program for the remainder of the day, and also for tomorrow.

Mr. LONG of Louisiana. Mr. President, it is not contemplated by the leadership that we will call up any more legislation today. There has been reported to the Senate today the debt ceiling bill, and that will be called up as the pending business tomorrow; at such time as we dispose of that bill, there is then the Pribilof Islands bill which we would hope to dispose of in short order. After they are disposed of we would hope that we would adjourn until Monday. We would also hope that it would not take too long to dispose of those measures.

There is a significant amendment to the debt ceiling bill to be offered by the Senator from Delaware [Mr. WILLIAMS], which of course will be debated and voted on.

Mr. DIRKSEN. I understand that there are three or four rather lengthy speeches for the remainder of the day.

Mr. LONG of Louisiana. There are three Senators who do wish to make speeches and, of course, as I understand it, these are rather important speeches which these Senators want to deliver.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. WILLIAMS of Delaware. For the information of the Senate, I want to say that when the debt limit bill is being considered, I will offer an amendment which I am sure will be "noncontroversial" since it will carry out the President's recommendation providing for a tax incentive for political contributions of $100 or less. Surely there will not be any objection to that; after all I am only supporting the President. I thought the membership should know that this worthwhile amendment will be offered.

Mr. LONG of Louisiana. Mr. President, I respect the rights of the Senator from Delaware. I have the highest admiration for him. However, I expect to oppose the amendment. It is my judgment that the Senate Committee on Finance should hold hearings on this subject as well as all matters relevant to it, because this is a very significant matter.

Let me say to the Senator from Delaware that if he has some idea that his amendment is "noncontroversial," I suggest that by the time we get through holding hearings the matter will become very controversial, unless the 17 members of that committee agree to it. Of course I certainly respect the Senator's right to offer his amendment and the Senate will vote upon it one way or another.

Mr. WILLIAMS of Delaware. In order that there may be no misunderstanding, a similar amendment was introduced earlier this year and hearings were held on it. This was before our Senate Finance Committee at the time we acted on the tax measure in March. At that time, upon request of the Secretary of the Treasury, I did not press the amendment until after the President made his recommendation, but notice was served that it would be offered at a later date.

There was testimony on this amendment before our committee on Monday when we were holding hearings on the debt limit. Furthermore, the Treasury Department endorsed the proposal. It has had committee consideration. Let us vote.

Mr. LONG of Louisiana. Of course, the Senator is certainly privileged to state his opinion. I would say that these opinions, like so many others, which Senators have, are not necessarily my opinions. It is my judgment that this is a very important measure which opens up a broad subject, and, in doing so, there should be hearings, study, and advice which every Senator can offer to us.

Let me say as chairman of the Committee on Finance, that as much as I favor my own substitute for what the Senator would offer, I respect the right of every other Senator to think about this matter and offer us his suggestions, because there is a tremendous amount of knowledge and expertise in this field that would undoubtedly be helpful in arriving at a proper solution to this difficult problem of financing political campaigns.

Mr. SALTONSTALL. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. SALTONSTALL. I should like to ask the chairman of the Finance Committee, Is my understanding correct, from my talk with him, that he will not accept any amendment on the debt limit bill?

Mr. LONG of Louisiana. As it stands at this moment, we have reported a bill which has no amendments to it. It is a bill which has a time limit to it. We would hope that we would agree to the bill as the House passed it and as it was reported by the Senate committee.

I am aware of the amendment in which the Senator is interested which has to do with the contingent liability of the Federal Government. I should like to cooperate with him to see that that measure is considered in conference between the Senate and the House. I know of no objection to the bill which we passed in the Senate and which bore the sponsorship of the Senator from Massachusetts last year. I would hope that the Senator would not insist on offering his

amendment to the debt limit bill because I would hope that we could simply dispose of the bill. There is no doubt that there will be a number of other measures to come before the Finance Committee.

One is the unemployment insurance bill; another has to do with tax treatment of foreign investments in the United States. There will be others.

I shall certainly cooperate with the Senator from Massachusetts in seeing to it that his amendment is considered by the House; but I should think he would get a better run for his effort on his amendment if we were to have a conference on a bill as to which the House would be inclined to accept amendments, rather than to take the amendment to conference on a bill on which the House would not be inclined to accept it.

Mr. SALTONSTALL. I appreciate the Senator's statement. There is much wisdom in what he says. I hope that at a later date, on some other bill, I can discuss the amendment with him and perhaps get results.

Mr. LONG of Louisiana. The Senator from Massachusetts has labored long in the vineyard on this subject. He is entitled to some fruit for his labor. I should certainly like to cooperate with him in helping to bring that about.

Mr. SALTONSTALL. I thank the Senator from Louisiana.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL, 1967—CONFERENCE REPORT

Mr. ROBERTSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14266) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1967, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report.

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

There being no objection, the Senate proceeded to consider the report.

Mr. ROBERTSON. Mr. President, I wish to make a relatively brief statement on the conference action on H.R. 14266, the Post Office and Treasury Department appropriation bill for fiscal year 1967.

The conference report contains a total of $7,196,429,135. This is $50,290,865 under the budget estimates, $13,748,000 under the House bill, $13,620,000 under the Senate bill, and $183,855,135 over the 1966 appropriation to date.

For the Treasury Department, the conference bill contains $1,374,099,000, an increase of $2.1 million over the House bill, $12.1 million under the estimates, the same amount as the Senate bill, and $25,411,000 over the 1966 appropriation.

For the Post Office Department, the bill appropriates $5,802,533,000, an increase of $157,623,000 over 1966, and represents a reduction of $37,595,000 in the estimates. The amount allowed is $15,848,000 under the House bill and $13,370,000 under the Senate bill.

I ask unanimous consent that a table showing the 1966 appropriations, the 1967 budget estimates, the House and Senate action and conference action on the bill be printed at this point in the RECORD. I hope the Senate will be willing to accept the conference report.

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

[Conference table]

Treasury-Post Office appropriation bill, H.R. 14266, fiscal year 1967

TITLE I—TREASURY DEPARTMENT

Appropriation title	1966 appropriation [1]	1967 estimates	Bill		Conference allowance	Conference allowance compared with—		
			House version	Senate version		1967 estimates	House version	Senate version
Office of the Secretary	$6,012,000	$6,999,000	$6,900,000	$6,900,000	$6,900,000	−$99,000		
Bureau of Accounts	33,500,000	32,988,000	32,988,000	32,988,000	32,988,000			
Bureau of Customs	84,293,000	86,189,000	85,793,000	85,793,000	85,793,000	−396,000		
Bureau of the Mint, salaries and expenses	21,210,000	31,500,000	26,500,000	26,500,000	26,500,000	−5,000,000		
Construction of mint	22,300,000							
Total, Bureau of the Mint	43,510,000	31,500,000	26,500,000	26,500,000	26,500,000	−5,000,000		
Bureau of Narcotics	6,050,000	6,138,000	6,138,000	6,138,000	6,138,000			
Bureau of the Public Debt	51,690,000	51,894,000	51,894,000	51,894,000	51,894,000			
Coast Guard:								
Operating expenses	293,400,000	322,197,000	321,400,000	321,400,000	321,400,000	−797,000		
Acquisition, construction, and improvements	115,510,000	103,000,000	103,000,000	103,000,000	103,000,000			
Retired pay	41,000,000	44,250,000	44,250,000	44,250,000	44,250,000			
Reserve training	23,550,000	24,031,000	24,031,000	24,031,000	24,031,000			
Total, Coast Guard	473,460,000	493,478,000	492,681,000	492,681,000	492,681,000	−797,000		
Internal Revenue Service:								
Salaries and expenses	17,981,000	18,692,000	18,600,000	18,600,000	18,600,000	−92,000		
Revenue accounting and processing	163,072,000	169,529,000	169,529,000	169,529,000	169,529,000			
Compliance	448,305,000	467,845,000	460,000,000	462,100,000	462,100,000	−5,745,000	+$2,100,000	
Total, Internal Revenue Service	629,358,000	656,066,000	648,129,000	650,229,000	650,229,000	−5,837,000	+2,100,000	
Office of the Treasurer	6,410,000	6,348,000	6,348,000	6,348,000	6,348,000			
U.S. Secret Service	14,495,000	14,628,000	14,628,000	14,628,000	14,628,000			
Total, title I, Treasury Department	1,348,688,000	1,386,228,000	1,371,999,000	1,374,049,000	1,374,099,000	−12,129,000	+2,100,000	

TITLE II—POST OFFICE DEPARTMENT

Administration and regional operation	$88,000,000	$95,780,000	$93,559,000	$93,559,000	$93,559,000	−$2,221,000		
Research, development, and engineering	12,000,000	16,152,000	12,000,000	16,152,000	16,152,000		+$4,152,000	
Operations	4,599,804,000	4,725,374,000	4,710,000,000	4,723,370,000	4,710,000,000	−15,374,000		−$13,370,000
Transportation	616,000,000	605,000,000	605,000,000	605,000,000	605,000,000			
Building occupancy and postal supplies	221,000,000	239,822,000	239,822,000	239,822,000	239,822,000			
Plant and equipment	108,106,000	158,000,000	158,000,000	138,000,000	138,000,000	−20,000,000	−20,000,000	
Total, title II, Post Office Department	5,644,910,000	5,840,128,000	5,818,381,000	5,815,903,000	5,802,533,000	−37,595,000	−15,848,000	−13,370,000

See footnote at end of table.

[Conference table]

Treasury-Post Office appropriation bill, H.R. 14266, fiscal year 1967—Continued

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

Appropriation title	1966 appropriation [1]	1967 estimates	Bill		Conference allowance	Conference allowance compared with—		
			House version	Senate version		1967 estimates	House version	Senate version
Compensation of the President	$150,000	$150,000	$150,000	$150,000	$150,000			
White House Office	2,940,000	2,955,000	2,955,000	2,955,000	2,955,000			
Special projects	1,415,000	1,500,000	1,500,000	1,500,000	1,500,000			
Operating expenses, Executive Mansion	694,000	692,000	692,000	692,000	692,000			
Bureau of the Budget	8,104,000	9,230,000	8,913,135	8,913,135	8,913,135	−$316,865		
Council of Economic Advisers	731,000	790,000	790,000	790,000	790,000			
National Security Council	675,000	664,000	664,000	664,000	664,000			
Emergency Fund for the President	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000			
Expenses of management improvement	250,000	350,000	350,000	350,000	350,000			
Total, title III, Executive Office of the President	15,959,000	17,331,000	17,014,135	17,014,135	17,014,135	−316,865		
TITLE IV—INDEPENDENT AGENCIES								
Tax Court of the United States	$2,202,000	$2,355,000	$2,355,000	$2,355,000	$2,355,000			
Administrative Conference of the United States	250,000	250,000		250,000		−$250,000		−$250,000
Advisory Commission on Intergovernmental Relations	415,000	428,000	428,000	428,000	428,000			
Committee on Labor-Management Policy	150,000							
Total, title IV, independent agencies	3,017,000	3,033,000	2,783,000	3,033,000	2,783,000	−250,000		−250,000
Grand total, titles I, II, III, and IV	7,012,574,000	7,246,720,000	7,210,177,135	7,210,049,135	7,196,429,135	−50,290,865	−$13,748,000	−13,620,000

[1] Includes supplemental appropriations to date.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

ELECTORAL COLLEGE REFORM

Mr. CLARK. Mr. President, the idea of abandoning the electoral college, and adopting a system for electing the President by direct national popular vote without regard to State lines, is receiving increasingly favorable attention in the press.

This reform, which I have long favored, has received the powerful advocacy of the junior Senator from Indiana [Mr. BAYH], who is chairman of the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee.

I ask unanimous consent to have two editorials, one in the Milwaukee Journal, and one in the Detroit Free Press, commending this reform and hailing the Senator from Indiana [Mr. BAYH] for his efforts to advance it, printed in the RECORD.

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

[From the Milwaukee (Wis.) Journal, June 4, 1966]

PICK PRESIDENT BY POPULAR VOTE; DROP ELECTORAL COLLEGE

The method of electing presidents through unit voting by states in an electoral college is so creaky and full of pitfalls that it just isn't worth the bother of trying to patch it. The only worth while approach is to abolish it altogether and go directly to a nation-wide popular vote.

That Senator BAYH, Democrat, of Indiana, has come around to this conclusion is a significant step in the right direction. He is chairman of the judiciary subcommittee that has been holding hearings on electoral college reform and he had been going along with administration patchwork proposals until now.

The administration has asked only to eliminate the risk that electors might fail to register the majority choices within their states. But this would retain the state unit vote with its much worse risk that a candidate favored by a nation-wide popular majority could still lose the election. And reforming this, too, by reflecting state popular votes proportionally in the electoral college, would leave no more use for the institution anyway. So, BAYH has reasoned, why not forthrightly seek the only complete solution while we are at it?

He makes the appealing point also that it is beneath the dignity and momentousness of the constitutional amending process to use it for mere tinkering. It is a great responsibility to crank up this machinery and ought to be done only for something pretty fundamental, not just an interim improvement.

It is true that the senate twice overwhelmingly rejected the direct popular election idea in 1956. But the particular decade that has passed since then has brought a whole new era in the philosophy and principles of elections. So BAYH's return to the fundamental approach seems the best strategy now, and in his influential position he is an especially welcome convert.

[From the Detroit Free Press, June 6, 1966]

NEW ENGINE FOR A NEW AGE

The analogy is apt and what Senator BIRCH BAYH said about reforming the Electoral College is important.

BAYH said the other day that "mere procedural changes in the present system would be like shifting around the parts of a creaky and dangerous automobile engine, making it no less creaky and no less dangerous. What we need is a new engine because we are in a new age." He favors direct, popular election of Presidents.

BAYH's views are important because they represent a switch in position for him and because he serves as chairman of the Senate judiciary constitutional amendments subcommittee which has been holding hearings on various proposals.

Previously, BAYH favored the sort of modification in the present Electrocal College system proposed by President Johnson; this would simply bind the individual electors to the candidates to whom they are pledged and avoid electors acting independently and without regard for the wishes of the voters. This has happened before, although it has happened only rarely. An elector pledged to the Federalist Adams switched to vote for the Republican Jefferson. In 1960 Democratic Senator Harry Byrd of Virginia received the vote of a Republican elector from Oklahoma.

Such a modification of the Electoral College takes from the electors the discretion that the Founding Fathers sought to assure them—remember the founders weren't fully sold on democracy—and to this extent it represents a major modification. But it also retains some of the fictions of the Electoral College, as presidential elections have developed and spawned them, and some of the faults.

It would mean, for example, that a presidential candidate carrying a state would continue to gain that state's total electoral vote, a feature which tends to concentrate presidential elections in the big states and, more particularly, in the big cities of the big states. It also fosters one-party politics, still a scourge in much of the South.

This newspaper favors direct, popular election of Presidents. And because we do, we welcome Senator BAYH to the fold. He concedes that it's much too late to get any action on an amendment for direct election of Presidents through the current Congress. He is hopeful, however, that some action will come in the next Congress.

So are we.

DISTRICT OF COLUMBIA REVENUE ACT OF 1965

Mr. BIBLE. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 11487.

The PRESIDING OFFICER (Mr. BAYH in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 11487) to provide revenue for the District of Columbia, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BIBLE. I move that the Senate insist upon its amendments 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 Presiding Officer appointed Mr. BIBLE, Mr. MCINTYRE, Mr. TYDINGS, and Mr. PROUTY conferees on the part of the Senate.

NO DOLLAR WALL—TRAVEL U.S.A.

Mr. JAVITS. Mr. President, I want to call the attention of the Senate to an excellent editorial written by William D. Patterson, associate publisher of the Saturday Review, on recent proposals in Washington to reduce the U.S. gold drain by restricting American travel abroad.

The points he raised in opposition to restrictions and in support of positive steps—congressional approval of the U.S. Travel Service's current $4.7 million budget request and an increase in its budget to $10 million in the foreseeable future—are exceedingly well taken and deserve the full consideration of the Congress.

I fully agree that before any serious consideration is given to the imposition of restrictions on travel every positive avenue must be explored. Last July 20 I introduced a bill, S. 2305, with 10 of my colleagues, which could make a major contribution in increasing the effectiveness of U.S. travel policy.

I strongly urge that the Senate approve the $4.7 million requested by the U.S. Travel Service and then make a fundamental reappraisal of the adequacy of our present travel program. Major improvements are essential.

I ask unanimous consent that the editorial by Mr. Patterson be inserted in the RECORD at the conclusion of my remarks.

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

NO DOLLAR WALL

The dilemma of the chronic balance of payments deficits which have plagued the U.S. Treasury Department under three Presidents is very real. It has thus far defied solutions compatible with our nation's foreign policy and overseas commitments, and it has threatened to set off an international financial crisis because of the dollar's central role in the world's monetary system.

At the same time, the intractable nature of this payments dilemma has bred an odd, troubling temptation in Washington that is as dangerous as it is illusory. This temptation is to try to reduce the U.S. gold drain by restricting Americans' travel abroad. This risky therapy has its disciples among officials in Washington charged with stanching the steady bleeding of U.S. gold reserves—more than $9 billion worth since 1958.

We live in the greatest age of personal travel. Paradoxically, we also live at a time when vast numbers of men are trapped behind national boundaries. Americans, fortunately, have by and large enjoyed exemption from such confinement. They have become the most far-ranging voyagers in history.

So vastly significant are the possibilities of modern mobility that the United Nations has proclaimed 1967 as International Tourist Year. The announced goals of ITY are to dramatize travel as the "passport to peace," to emphasize its socio-economic role as the largest single item in world trade—$11.5 billion last year—and to celebrate its unique cultural function as a great convener of the earth's peoples.

Yet the very size of this international movement has compounded the balance of payments dilemma for President Johnson's economic advisors.

More than 14,000,000 U.S. citizens spent $3.6 billion on foreign travel last year. The result was a so-called "travel gap" of $1.8 billion, a gap that for the first time was not only larger than the total balance of payments deficit of $1.3 billion, but was half-a-billion dollars larger. The 1965 travel gap arose even though the United States was the Number 1 host country in the world last year. More foreigners—7,637,000—visited our country, and spent more money here—$1.3 billion—than travelers have ever before in the history of any country. The "problem" was that our citizens spent so much more on their travels abroad.

The result in recent years has been a fierce annual debate within the White House and the Cabinet over the wisdom and necessity of overtly restraining Americans from going abroad. Methods proposed and considered behind the scenes during the past several weeks have included a $100 head tax on outbound tourists, a tax of $10 for each day a traveler remains outside the country, and a $50 fee for passports.

Only a few days ago the debate reportedly subsided again for this year, and the principle of freedom of travel, eloquently advocated by Vice President HUMPHREY, once again prevailed over restrictions. But it is important to understand that the debate has merely recessed, not ended. For the travel gap promises to total or exceed $2 billion during 1966 as Americans pour overseas in record-breaking numbers. The total payments deficit has also begun to rise. This is despite the White House-sponsored "Discover America" program, behind which an impressive cross-section of U.S. industry has mobilized to persuade Americans to travel at home instead of abroad, and despite the U.S. Travel Service's well-executed campaign to promote more travel to this country from abroad.

Consequently, those who hold that the economics of our dollar deficit must not constrain our free concourse with the world must keep reiterating a simple economic truth that too easily tends to get obscured in official debate: U.S. tourist dollars spent abroad help finance the world's trade with the United States. Even with an income of more than $1 billion from U.S. tourists last year Europe still had a trade deficit with the United States of $2.4 billion. Thus any restrictions on outbound travel by Americans would inevitably breed political repercussions and economic reprisals.

Travel is a delicate and vulnerable part of the mechanism of world trade. Restrictive moves by the United States undoubtedly would have a shattering impact not only on the U.S. travel industry—the third largest industry in the nation—but on our allies abroad, to most of whom our tourist expenditures are economically and psychologically vital.

Yet the absence of restraints is neither a policy, nor a full or final answer to the dilemma of the travel gap or the payments deficit. The Administration must recognize the true stature of international travel. It must strengthen its present positive two-way travel policy by firmly urging the Congress to give the U.S. Travel Service the minimal budget of $4,700,000 requested—and required—to promote more travel to the United States from abroad. It must eventually convince the Congress that the U.S. Travel Service needs and deserves at least $10,000,000 to promote sufficient travel here to make a real dent on the basic payments deficit. It must recognize that this positive approach is truly in the national interest; that travel is not really a "gap" but a powerful generating force for trade and understanding.

It must do this now—and the travel industry must help—because by the end of the year the debate over the travel gap and the payments deficit will be resumed more bitterly than ever, and if there is no positive strategy to cope with inevitable negative pressures in Washington, then we may finally succumb to temptation and permit a dollar wall to seal America off from the rational kind of world we are struggling to build. This must not be allowed to happen.—WILLIAM D. PATTERSON.

A NATIONAL INTERGOVERNMENTAL AFFAIRS COUNCIL

Mr. MUSKIE. Mr. President, in a Senate speech on March 25, I warned that there was too much tension and conflict in the implementation of Great Society programs—from top Federal policymakers to State and local officials—and I called for a wholly new policy of coordinating Federal aid, and working with the State and local governments to help them improve their administrative effectiveness.

The point that I made then—and I reiterate it now—is that we are headed for trouble in the building of the Great Society if we do not pull the Federal Establishment together and develop a more positive attitude of helping State and local governments meet their increasing public needs.

We have initiated more dynamic new programs and appropriated more Federal aid during the past five sessions of Congress than in all the previous Congresses going back to 1789, but our programs are only as good as the machinery that carries them out. At the moment, the machinery is seriously in need of modernization. The spotlight now must be shifted to procedures for making these programs work in the fastest and most effective way. We must take a hard look at our Federal system of government and see where it is failing to meet the challenge of the sixties and of the decades to come.

In my speech I made some 13 suggestions which I felt would provide a good beginning in the modernization of our administrative machinery and better working relationships between Federal, State, and local governments. Implementation of some of these, I understand, is already underway at the executive level, and this is encouraging. Two of these proposals, however, require the mandate and support of Congress, whose responsibility for strengthening our Federal system is equal to that of the executive branch.

The first such area concerns the development of a new, comprehensive Federal

aid program designed to help State and local governments upgrade their public service and improve their intergovernmental cooperation in the personnel field. This is the subject of the proposed Intergovernmental Personnel Act of 1966 which I introduced on this floor on May 25.

The second area involves the establishment of a new, and permanent, operating unit in the Executive Office of the President for developing and enforcing the coordination of Federal programs and policies, for resolving interdepartmental conflicts, and for keeping in constant touch with State and local leaders to encourage their cooperation in joint-action programs. This is the subject of the bill which I introduce today.

I believe that these two legislative proposals, together with S. 561, the intergovernmental cooperation bill presently being considered by the House, will provide a very creative and far-reaching effort toward developing a total governmental approach to economic and social development problems.

A NATIONAL INTERGOVERNMENTAL AFFAIRS COUNCIL

The bill which I now introduce, for appropriate reference, would establish in the Executive Office of the President a National Intergovernmental Affairs Council, chaired by the President and composed of the Vice President and those Cabinet officials and agency heads whose programs have a major impact on State and local government. Its membership would include the Secretaries of HUD, HEW, Labor, Agriculture, and Commerce; the Attorney General; the Director of the Office of Economic Opportunity; the Director of the Bureau of the Budget; the Chairman of the Advisory Commission on Intergovernmental Relations; and such other top-ranking officials as may be designated by the President.

The Council would be—and I emphasize this—a "working" organization both to advise the President and to see that agreed-upon administrative procedures are carried out and made effective. It would have a top-flight Executive Secretary in direct contact with the President. The Council's secretariat would be composed of experts independently selected and directly responsible to the Executive Secretary and to the President. This secretariat would be assisted by top-level policy officials—no lower than deputy under secretaries or equivalent—from the departments and agencies specially designated to handle program coordination and intergovernmental relations.

The role of the NIAC is expected to be a broad one. It would go far beyond the staff responsibilities of the Bureau of the Budget and the Council of Economic Advisers, but nevertheless would utilize the resources of these offices. It would be a staff and operating arm of the President—a forum for determining administrative policies for domestic program coordination, and a mechanism for overseeing their implementation. At the same time, it could be the President's ombudsman, a watchdog for domestic crisis, a central information agency, and an inspector general for the effectiveness of domestic programs. It would be concerned with both urban and rural development—as a multidepartmental responsibility involving education, housing, transportation, public facilities, law enforcement, civil rights, and other issues. It would play a strategic role in national long-range planning, and assist State and local governments in their own development efforts.

A National Intergovernmental Affairs Council, as its name implies, is essentially oriented toward helping the States and local communities develop all available resources to better meet their expanding public needs. With the assistance of the Bureau of the Budget and the department and field offices, it could develop a computerized clearinghouse system which would provide immediate information to the President and others concerning: First, the social, economic, and other basic characteristics of individual States and local areas; second, efforts on the part of these jurisdictions to meet their growth problems and projected needs; third, Federal aid programs which are now assisting specific State and major local jurisdictions; and fourth, those available Federal assistance programs which have not been utilized by such units but could assist them in meeting their individual program needs.

Through NIAC's offices, the President would have the opportunity to be constantly informed about any area in the country as to its problems and requirements. The President would have the means of developing flexible and more direct relationships with State and local leaders. And the States and localities, in turn, could be secure in knowing that "someone up there" in the complex of the Washington bureaucracy was concerned with their problems.

In this respect, NIAC could also provide the leadership and the organization for calling conferences of Governors, mayors, and other leaders for a review of national and regional problems and for the development of new approaches to meet intergovernmental needs. Such conferences and special meetings with the Council's secretariat would be helpful to the Federal Government in getting an up-to-date assessment of regional, State, and local problems. They would be helpful to the States and local governments because they would provide a forum for the airing of complaints and the discussion of new proposals.

Finally, NIAC could provide effective support at the executive level to the regional development commissions and programs authorized under the Appalachia Regional Development Act—Public Law 89–4—and the Public Works and Economic Development Act of 1965—Public Law 89–136. The thrust of this legislation is to stimulate economic development and public improvement in the regions that have lagged behind the Nation in their growth. To encourage greater State and local cooperation, it provides for special regional commissions of Governors and Federal representatives to study major needs, recommend comprehensive plans for program coordination and priority, and determine long-range goals for joint action between the Federal Government and State and local jurisdictions. The legislation also provides for subregional economic development districts and authorities, for more localized planning and programing.

This is a modern approach toward the administration of Federal aid programs and improvement in intergovernmental relations, but as it is multifunctional in nature, its success really depends upon an authority in Washington which can effectuate agency coordination and provide a more direct linkage between the President and the regional and subregional authorities.

At the moment, this joint-action regional development effort is being conducted out of the Department of Commerce, at which level it may be seriously frustrated in its power to obtain full Federal cooperation. Similar frustrations are being felt in the Federal antipoverty program, Agriculture's community development effort, the new Department of Housing and Urban Development's metropolitan improvement programs, and HEW's regional health and education planning.

A national intergovernmental affairs council, I feel, could be the most appropriate type of executive authority to determine the best procedures for obtaining combined agency support for regional development, and better cooperation with State and local agencies and leaders.

THE BURDEN OF THE PRESIDENCY

Mr. President, the toughest job in the world is that of the President of the United States. He is head of State, Chief Executive, our chief foreign affairs spokesman, Commander in Chief of our military forces, and now chief administrator of our explorations into outer space. He works and sleeps always within reaching distance of the "hot line" and the nuclear trigger.

It is the President's constitutional responsibility to keep Congress informed of the problems of the country, and his political responsibility to come up with legislative proposals for resolving them. After he goes through the frustrating and energy-draining experience of guiding his proposals through Congress, he is saddled with the even more frustrating responsibility of making these proposals work. And in the domestic field he must rely primarily for the success of his programs on State and local administrators—over whom he has no control. But as the number of Federal programs multiply, the President's administrative responsibility stretches and the interlevel tensions become more acute.

No other democratic country on the globe expects so much from its chief executive. None is so quick to complain or criticize when things do not run smoothly. None places so much faith in one man.

It is time, then, that we fully recognize that this one man alone cannot coordinate the Federal Establishment and oversee the implementation of Federal programs at the State and local levels. Constitutionally and politically, we have imposed an inordinate responsibility on

the Presidency to administer the laws that are to promote our national goals. But, as Clinton Rossiter has pointed out in his "The American Presidency," the President "has more trouble playing this role successfully than he does any others," for this is the one major area "in which his powers are simply not equal to his responsibilities."

EVOLUTION OF THE ADMINISTRATIVE PRESIDENCY

The difficulties of the President's role as Chief Administrator have been recognized by competent scholars and officials for a number of years. Many have analyzed the problem, and some have developed meaningful proposals that have been adopted, but only a few have concerned themselves with the administrative challenge that confronts the Presidency today.

On the day of Woodrow Wilson's inauguration, President Taft was reported to have told the new President:

I'm glad to be going—this is the loneliest place in the world!

Later, President Wilson was said to have confided to friends:

The responsibilities of the President are great, and I cannot perform them alone. If I can't have the assistance of those in whom I have confidence, what am I to do?

Largely as a result of the efforts of these two Presidents, a landmark in improved executive leadership was reached. The Budget and Accounting Act of 1921 gave to the Presidency, for the first time, the staffing and authority to prepare a coordinated Federal executive budget for submission to Congress, and to develop a central clearinghouse for preparing administration legislative proposals. Up to that time, departments and agencies presented their fiscal requirements directly to Congress, and the President had great difficulty in establishing any system of program priorities. Budget control, then, gave the Executive a strong managerial tool for guiding the operation of the Federal Establishment.

Initially, the Bureau was thinly staffed, and its role was clouded by its incorporation in the Treasury Department. Moreover, under its first three Presidents, the Bureau was largely concerned with retrenchment and cost cutting. The opportunity to develop a budget for creating a unified Presidential policy and for gaging program effectiveness was largely ignored.

The depression period of the 1930's led to a new look at the problems of Presidential control over Federal departments. Initiated by President Roosevelt, the President's Committee on Administrative Management, headed by Louis Brownlow, probed every part of the Federal sector and found that "the President needs help." The Committee described a condition and posed questions that are still relevant:

Our executive office is not fully abreast of the trend of our American times, either in business or in Government. Where, for example, can there be found an executive in any way comparable upon whom so much petty work is thrown? Or who is forced to see so many persons on unrelated matters and to make so many decisions on the basis of what may be, because of the very press of work, incomplete information? How is it humanly possible to know fully the affairs and problems of over 100 separate major agencies, to say nothing of being responsible for their general direction and coordination?

The Brownlow Committee recommended an expansion of the White House staff, and a strengthening of the managerial agencies—Budget, Civil Service Commission, and National Resources Board. It also called for an improved personnel development program—including extension of the merit system—and greater coordination of agency efforts, with reassignment of numerous independent agencies to the major executive departments.

Commenting on the recommendations of the Brownlow Committee in a message to the Congress in 1938, President Roosevelt declared:

The committee has not spared me; they say, what has been common knowledge for 20 years, that the President cannot adequately handle his responsibilities; that he is overworked; that it is humanly impossible, under the system which we have, for him fully to carry out his constitutional duty as chief executive, because he is overwhelmed with minor details and needless contacts arising directly from the bad organization and equipment of the Government. I can testify to this; with my predecessors who have said the same thing over and over again, I plead guilty.

The plain fact is that the present organization and equipment of the executive branch of the Government defeats the constitutional intent that there be a single responsible chief executive to coordinate and manage the departments and activities in accordance with the laws enacted by the Congress. Under these conditions, the Government cannot be thoroughly effective in working, under popular control, for the common good.

The work of the Brownlow committee paved the way for a number of improvements. The White House Executive Office was established and Presidential assistants were provided. The Bureau of the Budget was taken out of the Treasury and put into the Executive Office, and its functions were strengthened. It became a direct consultant to the President on administrative policy, national fiscal policy, program evaluation, and legislative coordination. Later, during World War II, it became a central civilian planning unit for defense organization, and even developed regional field offices. It became thus a major management arm of the President and, to a limited extent, a field coordinator of some Federal programs.

Additional Presidential staff assistance was provided after the war: the full Employment Act of 1946 established the Council of Economic Advisers to coordinate economic policy; the National Security Council and the CIA were created with independent staffing to assist the President in the coordination of security matters.

Despite these developments, the first Hoover Commission, in its 1948 report, found the executive branch too fragmentized for effective direction, and the line of command through some department heads to middle-management so weak or broken, in some cases, that "indecision, lack of initiative, and irresponsibility" were encouraged. The President and the heads of departments, the Commission noted, lacked the tools to frame coordinated programs and policies, and to frame their execution. The report urged the Federal Government to make aggressive steps to build a corps of administrators capable of viewing the governmental process in its entirety. Many statutes and regulations, it stated, were unduly rigid and should be modified. And new approaches to the budget process were needed to express the objectives of Government in terms of work accomplished, not merely in terms of classification of expenditures.

Two recommendations advanced by the Hoover Commission deserve special note: Creation of the post of Staff Secretary to inform the President on the work of Cabinet committees, interdepartmental and special advisory committees, and policy conflicts and overlapping assignments; and establishment of an Office of Personnel to advise the President on methods of upgrading Federal administrative personnel and improving management effectiveness. These two concepts—a special coordinating officer directly under the President, and an office concerned with administrative effectiveness—are embodied in the proposal for a National Intergovernmental Affairs Council.

In 1950, Congress passed the Budget and Accounting Procedures Act, which in addition to providing for more effective accounting and auditing methods, directed the President to use the Bureau of the Budget to develop better organization, coordination and management in the executive branch. An internal reorganization of the Budget Bureau's Division of Administrative Management in 1952, however, left only about one-third of the Division's personnel in the successor Office of Management and Organization, thus reducing the Bureau's capacity to deal with interdepartmental planning and coordination, while strengthening the Bureau's analytical capabilities on a function-by-function basis.

Thereafter, the Bureau's overall management role declined, and this development did not escape the attention of the second Hoover Commission—1955:

The Bureau's concept of its broader role as the managerial arm of the President has been limited. This is particularly true of the area of financial management. The primary emphasis on budget mechanics has tended to obscure the Bureau's broader responsibilities. The Bureau's present title, organization, staffing and operating methods stress its budget responsibilities and subordinate its overall management and policy functions. The Bureau has not provided the financial management assistance required of it nor is its management group staffed to review and promote improved financial management organization and practices throughout the executive agencies. In order to carry out its management responsibilities the Bureau of the Budget should be revitalized.

The 1960's have witnessed a revival of the Bureau's activity and influence in fiscal policy and program effectiveness. Its recently developed program-planning-budgeting system is an example of this. It is a prime resource for detailed information about agency operations. Its role in coordinating legislative proposals and establishing a liaison with

Congress is exemplary. Its efforts to help departments and agencies improve their internal organizations and make more efficient their functional operations have been encouraging.

But when it comes to developing and implementing broad policies of interdepartmental coordination and planning keyed to solving overall problems on a multifunctional basis, it has not been effective. By nature, and by history, the Bureau is not sufficiently oriented to this kind of management responsibility; it has been concerned primarily with budgeting, economy, and functional performance rather than promoting program flexibility and new approaches. Furthermore, as pointed out by the Committee for Economic Development—budgeting for national objectives:

> It is thinly staffed, with fewer employees today than in 1948, even though Federal expenditures have more than tripled (and) therefore has not been able to reconcile or coordinate fully the interrelated programs conducted by competing agencies.

Nor has the Bureau developed any effective machinery for dealing with State and local leaders in understanding their major problems, and working out across-the-board solutions. It has only a few professional employees assigned to intergovernmental problems, whose main liaison has been with the Advisory Commission on Intergovernmental Relations and with State budget officers, rather than with State and local administrators in the field.

This is not to say that the Bureau of the Budget could not be directed and equipped to fulfill the function of coordination and intergovernmental contact, but I think we need a new dynamic in the Federal executive policy machinery to take on this role.

Indeed, this was the thought generally expressed by William D. Carey, a most experienced Budget official, in his speech at Williamsburg, Va., in 1962. He said:

> I think, myself, that our administrative agencies suffer from too heavy a diet of operating responsibility. On the whole, they are too hardened to keeping the treadmill going, too stale to be creative, or even reactive. . . . I wonder if, after all, there isn't a case to be made out for the introduction of new policy machinery at the level of the President. . . . What public policy needs is a constantly running apparatus for shaking up, disturbing and rearranging the molecules of public policy to produce new combinations.

NIAC is proposed to fill the void which Mr. Carey describes, and which the Bureau of the Budget is apparently neither structured nor inclined to take on.

In addition to the Budget Bureau and other units in the Executive Office of the President, numerous interagency committee and agreements have also been used in an attempt to achieve more effective coordination of Federal programs. According to the latest count, at least 100 of the existing 868 interdepartmental committees, boards, and councils are concerned with domestic programs. This figure, I should add, is smaller than that of 3 years ago. Nevertheless, it indicates that we still rely heavily on this device for resolving interdepartmental conflict and for promoting program coordination.

But how effective is this mechanism? Most knowledgeable observers within and outside the Federal Establishment agree that such committees, boards, and councils are not a satisfactory means of improving coordination or intergovernmental relations. It is my understanding that, during the past 2 years, some 15 Presidential task forces studying various areas of Federal reorganization and administration have come to the general conclusion that these committees are no substitute for a top-level executive unit with the authority to pull the Federal house together, and to see to it that a cooperative Federal policy is implemented and expedited down the line to help States and local jurisdictions better solve their problems. Speaking before a panel at the recent National Conference of Public Administration in Washington, Under Secretary Alan Boyd of the Department of Commerce admitted that a new Department of Transportation was essential because the machinery for coordinating the Nation's transportation policies and programs through the Interagency Committee on Transportation had "frankly failed." He stated:

> The committee system, at least in my area, just doesn't work to develop coordination.

Secretaries of departments and other top policy officials assigned to these interagency bodies just do not have the time or energy to dig into their varied problems and come up with meaningful solutions. The tendency is to pass responsibility for attendance at committee meetings down the line to subordinates with little authority to hammer out a joint policy. Moreover, each agency representative insists on protecting his department or agency, and rarely gives in to needed policy changes, partly because of a built-in bureaucratic hostility to coordination and partly because he lacks any real power to speak for his department head. As one very experienced sub-Cabinet officer told me:

> The Interagency Committee is little more than a discussion group.

Another serious deficiency is that most of these interdepartmental committees are hopelessly understaffed, if staffed at all. In too many instances, staffing is done on a part-time basis by middle-management personnel from a single agency, oriented to particular functions, and hardly interested in a broad-gaged approach to administrative problems. Further, these working staffs have virtually no authority to see that the watered-down agreements, which have been worked out, are effectively implemented. In short, what agreements are reached are general in nature, arrived at by consensus, with few opportunities for written dissents and for meaningful implementation.

The very alert and experienced junior Senator from Connecticut [Mr. RIBICOFF] saw this general problem firsthand when he was Secretary of the Department of Health, Education, and Welfare. At the hearings on legislation establishing the new Department of Housing and Urban Development, he declared:

> I sit here as a former Governor, and on either side of me sit two men who were Governors of their States. I have been a member of the Cabinet. I have a pretty good idea about how all these intergovernmental commissions and agencies work where you have five or six secretaries responsible for one basic problem, and you establish interdepartmental committees and somebody down in the 15th or 20th echelon gets assigned to it and maybe they catch a Cabinet member's ear once a year in a passing moment or so, but nobody has basic responsibility.

Of course there are exceptions: Some committees have succeeded in producing helpful studies, plans, operating guidelines, and so forth, but this has largely occurred in the areas of science and technology, emergency planning, foreign affairs, defense, and the space effort. In the field of economic and social development, the interdepartmental device has been a dismal failure. This failure stems largely from the fact that the mechanism involves councils of peers responsible for administering existing programs and subject to the usual bureaucratic and interest group pressures involved with domestic departments and agencies. A council such as the NIAC could provide the bonding medium for strengthening the more important and effective intergovernmental committees and a means for eliminating those which are ineffective.

The emergence of the Executive Office of the President, and especially the Bureau of the Budget, is one institutional response to 20th-century administrative burdens of the Presidency; the heavy reliance on interdepartmental committees is another; proposals for strengthening the President's Cabinet constitute a third. Some reorganization proposals have made the Cabinet the focus of all reform efforts. Prof. Marshall Dimock has written:

> The President's Cabinet should become the center of executive coordination. There are are few faults of bureaucracy more serious than lack of coordination . . . there is no alternative but to make the President's Cabinet the means to that end.

The National Planning Association's pamphlet, "Staffing the Presidency," has emphasized that there should be "augmented use of the Cabinet as a vehicle for coordination."

Under President Eisenhower, a real attempt was made to implement these proposals and use the Cabinet as a form of interdepartmental collaboration and advice. Following the recommendations of the Hoover Commission, a formal Cabinet secretariat was formed to organize its work, prepare its agenda, keep records, and follow up on decisions made. Contacts were made between the Cabinet secretariat and sub-Cabinet officials to work out administrative conflicts. Special Cabinet-level committees were formed to deal with special problems. The National Security Council, however, was given major responsibility for coordinating foreign affairs and defense programs, and the Cabinet concentrated

primarily on domestic, administrative, and political affairs.

History is yet to render a final verdict on this experiment, but we do know that under other Presidents:

The Cabinet was and is—

In Clinton Rossiter's words—

no longer a body upon which the President can rely for sage advice on great issues of state; it is not even, in its formal composition, a gathering of his most important and intimate associates. It is at best a relic of the simpler past, when department heads were thought to be men of broad interests and held in their own hands the whole power of administration.

In my judgment, the critical point about the Cabinet is that the chiefs of our great departments of Government are much like deputy presidents. They have administrative responsibilities; they have political responsibilities; and they have special constituencies to which they must attend. Thus they are spokesmen for departmental pluralism, and, as Prof. Francis Heller put it:

Almost as busy as the President, and cannot take too much time for the deliberative tasks.

The President needs a conciliar mechanism for domestic affairs comparable to that available in foreign affairs. He "needs agencies," as Professor Rossiter has noted, "to coordinate executive policy, in the government-at-large, as in the White House." The record suggests that the Cabinet cannot effectively assume these functions. I believe the NIAC can.

The question may be asked: If the Council is to be made up of Cabinet members, why is it needed? Why cannot the concept of a coordinating executive unit be carried out by a high-level Cabinet committee? The answer can be found in the general ineffectiveness of Cabinet committees in the past. They must rely on the cooperation of department heads who are reluctant to cooperate. They are generally chaired by a Cabinet member whose authority is limited by his equality with other Cabinet members, and who by the nature of his office cannot be objective. They are inadequately staffed, if staffed at all, and incapable of providing an effective followup mechanism on the policies and guidelines they develop.

The NIAC is an entirely different concept from a Cabinet committee. It would be a council actively run by the President. Its Executive Secretary would speak for the President in developing policy by which departments and agencies are to be coordinated and intergovernmental conflicts resolved. He would have an independent staff to advise him and the President. Cabinet members and agency heads would be, in essence, advisers to the Executive Secretary in developing policy for Presidential approval. After policy decisions are made, the operating departments are responsible for carrying them out, but the NIAC's Executive Secretary and the staff would be directly responsible to the President for seeing that the job is done in a timely and effective manner. As members of the Council, department heads could, of course, appeal to the President those recommendations of the Executive Secretary and his staff with which they disagreed, but it is hoped that most controversies would be resolved before reaching the President.

The main point of NIAC is that the President would have a special assistant through whom he could pull the Federal Establishment together and direct smoother intergovernmental implementation of Federal aid programs.

THE PRESIDENCY AND INTERGOVERNMENTAL RELATIONS

In addition to these broad-gaged efforts to strengthen the President's management capability in the Federal domestic program area, specific efforts have been made to alert and assist the Presidency in coping with its growing intergovernmental administrative responsibilities. The first Hoover Commission report noted that:

The development of cooperative Government, based largely upon grants-in-aid, has had a far-reaching effect upon the executive branch. National problems—

It continued—

cannot be solved by the national Government without reference to the States.

Among other things, it complained that Federal grant-in-aid programs were unrelated, uncoordinated, and "have developed in a haphazard manner without any one agency—Federal or State—concerned with the overall impact." It recommended that such an agency be established on a continuing basis and in cooperation with the Bureau of the Budget.

In 1955, a temporary commission—the so-called Kestnbaum Commission—completed the most comprehensive analysis of intergovernmental relations since the Constitutional Convention in 1787. It charged that the Federal Government did not afford adequate recognition of the national interest in State and local government, and recommended the following:

1) A full-time special assistant in the office of the President, with a staff, as a "coordinating center" on State and local problems;

2) An advisory board on intergovernmental relations, presided over by the President's assistant, which, in addition to making recommendations to the President, would convene meetings with Governors, Mayors, and others;

3) The creation of interlevel coordinating machinery for particular fields where a number of Federal agencies are involved in State and local relations;

4) An intensification of the concern of the Bureau of the Budget with the overall fiscal aspects of interlevel administration;

5) The designation of assistant secretaries for intergovernmental relations in certain departments;

6) Greater assistance by the Federal Government in helping the States to draft statutes and regulations; and

7) Greater attention by Congress to intergovernmental problems.

These recommendations produced one basic result in the executive branch—the establishment of a two-man staff unit on inter-governmental relations in the Executive Office of the President. The President's temporary and ill-fated Federal-State Action Committee, which many assume was another result, came into being after President Eisenhower's 1957 address to the Governors' Conference at Williamsburg. In 1958, the House Government Operations Committee, in its 30th report on Federal-State-local relations, recommended that the staff unit be strengthened. The report noted:

With the aid of this staff, the President should give concentrated and vigorous attention to the coordination and improvement of Federal grant programs. Particular attention should be directed to the effects of Federal policies on our urban communities and metropolitan areas.

In 1959, as a followup on another of the House committee's recommendations, Congress authorized a permanent bipartisan Advisory Commission on Intergovernmental Relations, composed of 26 members drawn from the three levels of Government and the public at large. During the past 6 years, the Commission has issued 28 reports containing 200 recommendations for improving Federal-State-local program administration and financial organization. Many of these recommendations directly involve Federal administrative or legislative implementation. Regular contacts for the Advisory Commission with the executive branch are still largely restricted to the three departmental members of the Commission, a Presidential Assistant for Intergovernmental Relations, and a small unit in the Bureau of the Budget. Last May, the Senate and House Subcommittees on Intergovernmental Relations held joint hearings on the 5-year record of the Commission. One of the most frequently expressed complaints made by hearing witnesses was the failure of the Federal executive branch to participate in, concern itself with, and make more effective use of the Advisory Commission on Intergovernmental Relations.

It is particularly encouraging, however, that President Johnson, in his budget message this year, noted that the success or failure of critical new programs depends largely on effective communications and a readiness for action among Federal agencies in the field, and State and local governmental units:

We must open channels of responsibility—

He declared—

We must give more freedom of action and judgment to the people on the firing line. We must help State and local governments deal more effectively with Federal agencies.

The recognition by the President of the need for a more flexible, but more efficient approach to administering joint-action programs, highlights one of the basic goals of creative federalism. It represents a top-level awareness of the critical roles which State and local administrators and legislators must play in the economic and social development of the country. It could lead to a new, more productive relationship between the executive branch and the Advisory Commission on Intergovernmental Relations. And finally, it is the kind of thinking which I feel underscores the need for a National Intergovernmental Affairs Council.

THE ADMINISTRATIVE CHALLENGE OF THE SIXTIES

The foregoing historical survey indicates that, despite some recent improvements, the administrative machinery of the Presidency today still resembles its predecessors of nearly two decades ago. But is our Federal system today the same as it was 20 years ago? Are the administrative burdens of the Presidency today comparable to those of previous Chief Executives?

The answer to both questions is an emphatic "no." American federalism has been subjected to radical changes, and the administrative responsibilities of the President are incomparably greater. During the past 6 years we have added entirely new dimensions to the continuing problem of executive control. One of these involves numbers—expanding programs, soaring budgets, proliferating administrative jurisdictions, and increased governmental manpower. The statistics tell the story:

First. The population explosion, coupled with increased urbanization, has skyrocketed the need for more and different public services.

Thirty years ago, there were some 120 million people in this country, 50 percent of whom lived in our cities. We now have reached the 195-million mark, with 70 percent of our citizens crowded into 227 metropolitan urban areas occupying less than 10 percent of our Nation's surface. By 1975, total population is expected to increase to 225 million and over 80 percent will be urbanized.

The potential chaos of too many people crowding into too limited space is already with us. There is urban, suburban, and exurban sprawl. There is increasing emphasis on improved central city living. Moreover, no matter what the development pattern, metropolitan concentration multiplies the volume and costs of public services, creates an unending drain on public financial resources, and requires an almost impossible effort on the part of elected officials and public administrators to plan and coordinate Federal, State, and local programs.

Second. The total Government response to these burgeoning public needs is already a massive one, involving a wide variety of programs and services.

Twenty years ago, the Federal Government spent less than $1 billion annually to assist State and local development. Ten years ago, that figure had risen to $4 billion. Today, there are over 170 Federal aid programs, administered by over 21 Federal departments and agencies, involving an annual outlay of over $14 billion. Projected to 1975, the Federal contribution could reach the $50 billion mark. However, the lion's share of the financial burden for public services continues to be borne by the State and local governments. In 1946, they spent a total of $11 billion to help meet public needs, and this year their combined outlay will reach $84 billion. Projected to 1975, State and local jurisdictions may well have to increase their annual expenditures to over $120 billion.

Furthermore, in 1946, State and local governments had a combined debt of $16 billion. Now, 20 years later, this total indebtedness will reach the $100 billion mark. The projection of this encumbrance for 1975 is beyond speculation.

Third. There has developed in our country a haphazard complex of local governing jurisdictions, many of which duplicate or conflict with each other and provide serious obstacles to effective planning and administration.

Today there are over 91,000 of these units operating in our 50 States—General-purpose governments such as counties, cities, boroughs, towns, and villages, with general public powers; and special-purpose districts such as school, fire, water, soil conservation, sewage, and urban renewal districts, with more limited functions but nevertheless having their own independent taxing, planning, and administrative powers. And these special districts usually have jurisdictional boundaries that do not coincide with those of general-purpose districts.

This proliferating pattern of local government jurisdictions has produced chaos in several metropolitan areas; chaos in planning, in governing, and in administering public services to the people who need them most. Many respected public administrators, scholars, and political leaders view these spawning special districts—which in most instances are not directly responsible to the electorate—as a genuine threat to democratic government and effective program coordination and planning.

Fourth. The extraordinary expansion in the number of public employees has paralleled the expansion of budgets and programs, making more difficult the task of developing effective policies of program coordination, innovation, and personnel improvement.

State and local public employment has risen from 3.3 million in 1946 to 8 million in 1965. The Federal Government, on the other hand—despite the popular myth that its roles, too, are expanding—has reduced its employment by 100,000 during the 20-year period, but it still acounts for 2.6 million workers. While total Federal employment has remained remarkably stable, there has been a substantial shift from blue collar to white collar occupations, providing a more complicated manpower mix, and greater problems of coordination and policy implementation at the middle-management level.

While these quantitative problems add one dimension to the President's administrative burdens, certain qualitative problems—especially with respect to the attitudes and caliber of officials administering joint-action programs—constitute another. The Senate Subcommittee on Intergovernmental Relations, which I am privileged to chair, recently completed a 3-year survey of Federal, State, and local administrators to learn their views and attitudes about critical intergovernmental issues. We found substantial competing and overlapping of programs at all three levels, sometimes as a direct result of legislation and sometimes as a result of bureaucratic empire building. We learned that many Federal officials, particularly at the middle-mangement level, were just not interested in—in fact hostile to—coordinating programs within and between their departments, and were reluctant to encourage coordination and planning among their State and local counterparts.

At the same time, Federal-aid officials complained that State and local administration was understaffed, lacking in quality and experience, unimaginative, and too subject to negative political and bureaucratic pressures. They found a variety of archaic State constitutional and legal restrictions which continue to block effective application of Federal-aid programs, and hamstring State and local administrators in developing their own programs.

Perhaps the most serious indictment coming out of the survey concerns the caliber of State and local administrators ultimately responsible for building the Great Society. Confronted with urban congestion, slums, water pollution, juvenile delinquency, social tension, and chronic unemployment, public administrators today must be professionals in every sense of that word. Yet we found that too often they are not, mainly because of the antiquated and patronage-oriented personnel systems which hinder the hiring and keeping of good people.

We found that unfavorable working conditions, low pay, and excessively restrictive bureaucratic rules and procedures discouraged both prospective employees and careerists. Personnel development programs, including opportunities for job mobility, inservice training, and educational leave, appeared to be minimal, except in some of the larger jurisdictions. We found a noticeable lack of effective merit systems, thus resulting in the loading of some agencies with unprofessional, uninspiring, and often unfit personnel. Finally, responsible administrators complained that inflexible rules and regulations—dictating whom, when, and how they could hire, promote, or fire—frustrated their efforts to develop effective staff support. In short, there is a serious crisis in the public service at the State and local levels which, if not confronted, may contribute more than anything else to a weakening of the States, their localities, and the Federal system as a whole.

The extraordinary growth in Government at all levels, accompanied by an equally staggering need for financial assistance and administrative expertise, indicates the scope of the governing burden which rests with State and local leaders, and also with the President. We can no longer isolate major economic and social problems as being a purely local, State, or Federal responsibility. All levels are responsible for reducing racial tension, for seeking better housing and community services, for educating our young people, for reducing crime and disorder, for helping the poor, and for building the Great Society. This is the approach of the traditional grant-in-aid system. And this is the approach of creative federalism—a recognition of the expanding roles of State and local governments as planners and builders of better and more secure environments for our expanding population, and a strengthening of the Federal role as a source of new

ideas, incentives for reform, and financial and technical resources to help the States and the local communities better meet their needs.

But the initiative for a creative federalism must start with the Federal Government. We can hardly expect State and local jurisdictions to coordinate their programs and improve their services if the Federal house is not in better order.

Nor can we expect them to modernize their governmental structures and more effectively plan their development if Federal administrators involved in intergovernmental relations are hostile to these goals.

In short, these new dimensions of the President's role as chief administrator present a double challenge: first, to develop adequate machinery for pulling together the Federal establishment to assist the States and local areas in meeting major problems on a multi-functional basis; and, second, to establish a close and effective liaison with State and local leaders to identify their particular needs and better allocate Federal resources to help them build their communities.

CONCLUSION

The foregoing suggests to me certain conclusions with respect to the President's general responsibility as chief administrator of domestic programs, and his specific role as manager of the 170 grants-in-aid. In reaching these conclusions, I am completely aware that there are limits to what can be accomplished by institutional changes at the top level. Departmentalism—and the pluralism of American life which sustains it—will never be suppressed by mere procedural innovation. And proposals that ignore these facts of administrative and political life are doomed to failure.

I am also aware of the danger of carrying the institutionalization of the Presidency so far that, as Professor Rossiter put it:

> The man who occupies it will become a prisoner of his own house, a victim of too much and too rigid organization.

As I see it, however, this danger is more prospective than actual, since any vigorous President—and the present occupant of this position indeed is such a man—would not permit himself to be smothered by confining custom, legislation, or staff organization.

Finally, as the above suggests, I am fully aware that the Executive Office and other coordinating instrumentalities must be left sufficiently flexible to meet the various uses to which the President wishes to put them. Reform efforts here may appear to be supremely rational, but they will fail if they rely only on rigid prescriptions. The entire function of staff assistance, after all, is to preserve the President's range of choices and freedom of action.

I am still convinced, however, that certain organizational and procedural innovations are needed.

First. There is still the need to enact S. 561, which passed the Senate unanimously last year and now is pending before the House. This measure would establish a coordinated Federal urban assistance policy and provide greater focus to and coordination of Federal urban development efforts.

Second. There is the need for a full-time special assistant to the President for intergovernmental relations; at present this responsibility is shared by four or five assistants responsible for various program areas.

Third. There is need for additional staff in the Bureau of the Budget to provide more continuing attention to intergovernmental problems, and, as Dean Stephen K. Bailey pointed out in a recent article in the Reporter, "to perform management surveys and to recommend administrative reforms."

Fourth. As the 30th report of the House Committee on Government Operations pointed out 8 years ago, and as the Senate subcommittee's survey of Federal aid officials recommended last year, there is a need at the departmental and agency level for assigning full-time responsibility for coordinating grant programs on departmental, interdepartmental, and intergovernmental bases to an assistant secretary or undersecretary.

Fifth. Finally there is a need for a new executive unit for coordinating domestic programs in the Executive Office of the President—a National Intergovernmental Affairs Council. This would provide the President with the backstopping he has long needed in dealing with this country's economic and social development. He has a National Security Council and the CIA to advise him on policies relating to our national security; a National Aeronautics and Space Council to help him coordinate our space programs; a Council of Economic Advisers to recommend policies on economic growth and stability; and an Office of Emergency Planning to deal with domestic emergencies and catastrophies; but he has no comparable unit for one of the most critical areas—Federal-State-local programs designed to meet our social, economic, and resource problems. The President needs a corps of generalists—not wedded to specific agencies or individual programs—in his office to help him develop new policies for program coordination and to check on their implementation. He needs a staff to give him a continuing report on the status and effectiveness of combined Federal-State-local programs. He should know at all times what is being done through these programs to meet our needs in economic development, community improvement, social welfare, education, and resource management, what is not being done, and what must be done. He needs a unit which can help him work more closely with State and local leaders and help them to better carry out the goals of the Great Society on a total basis. He needs a continuing source of new and constructive ideas regarding intergovernmental finances, for improving economic and social development programs, and for upgrading public administration all along the line—from Washington to the local scene. This need is met by the legislation I introduce today.

Mr. President, I ask unanimous consent that the text of the bill, together with a section-by-section analysis and certain materials relating to this important subject, be inserted in the RECORD immediately following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, analyses and material requested will be printed in the RECORD.

The bill (S. 3509) to establish a National Intergovernmental Affairs Council, introduced by Mr. MUSKIE, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 3509

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That, in enacting this Act, it is the intent of Congress to provide for a more comprehensive consideration of national policies and programs affecting economic and social development and intergovernmental relations in an increasingly complex society; to provide for more effective coordination among Federal departments and agencies whose activities directly affect State and local governments; to assess the effectiveness of current and projected Federal domestic policies and programs in attaining national objectives within our federal system; and to provide for the elimination of unnecessary duplication and overlapping among Federal departments and agencies administering Federal aid programs.

SEC. 2. (a) There is established a council to be known as the National Intergovernmental Affairs Council (hereinafter in this Act referred to as the "Council"). The President of the United States shall preside over meetings of the Council, except that in his absence he may designate a member of the Council to preside in his place.

(b) The function of the Council shall be to advise the President with respect to the formulation, implementation and coordination of domestic policies and programs which affect intergovernmental relations and the Nation's economic and social development, so as to enable the Federal departments and agencies to carry out more effectively their activities, and to cooperate more fully with State and local governments in achieving those national goals.

(c) The Council shall be composed of—

(1) the President;

(2) the Vice President;

(3) the Secretary of Housing and Urban Development;

(4) the Secretary of Health, Education, and Welfare;

(5) the Secretary of Labor;

(6) the Secretary of Commerce;

(7) the Secretary of Agriculture;

(8) the Director of the Office of Economic Opportunity;

(9) the Chairman of the Advisory Commission on Intergovernmental Relations; and

(10) such Secretaries and Under Secretaries of other executive departments as may be designated by the President, to serve at his pleasure.

(d) In addition to performing such other functions as the President may direct for the purpose of more effectively coordinating the policies and functions of the departments and agencies of the Federal Government relating to intergovernmental relations and to economic and social development, it shall, subject to the direction of the President, be the duty of the Council—

(1) to assess and appraise the objectives and performance of the above-mentioned programs and activities for the purpose of making recommendations to the President in connection therewith; and

(2) to consider any other matters of common interest to the departments and agen-

cies of the Federal Government concerned with initiating and carrying out of social and economic policies and programs which affect intergovernmental relations, and to make recommendations to the President in connection therewith.

SEC. 3 (a) The Council shall have a staff to be headed by an executive secretary who shall be appointed by the President, by and with the advice and consent of the Senate. The executive secretary, under the direction of the Council, is authorized to appoint and fix the compensation of such personnel without regard to the civil service laws or the Classification Act of 1949 and compensated at not to exceed the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended, as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions pursuant to this Act. Other provisions of law or regulations relating to Government employment (except those relating to pay and retirement) shall apply to the executive secretary and to Council employees reporting directly to the chairman to the extent that such provisions are applicable to employees in the Office of the President.

(b) Section 105 of title III of the United States Code is amended by adding immediately after the phrase "of the Executive Secretary of the National Aeronautics and Space Council", the following: "of the Executive Secretary of the National Intergovernmental Affairs Council".

(c) The Council shall, from time to time, make such recommendations and such other reports to the President as it deems appropriate or as the President may require.

The analyses and materials ordered to be printed in the RECORD are as follows:

SECTION-BY-SECTION ANALYSIS OF THE BILL TO ESTABLISH A NATIONAL INTERGOVERNMENTAL AFFAIRS COUNCIL

Section 1 states that it is the intent of Congress in establishing the National Intergovernmental Affairs Council to provide for a more comprehensive consideration of national policies and programs affecting economic and social development and intergovernmental relations; to promote greater coordination among Federal departments and agencies whose activities directly affect the State and local governments; to assess the effectiveness of current and projected Federal domestic policies and programs in obtaining national goals within our intergovernmental system; and to provide for the elimination of unnecessary duplication and overlapping among Federal departments and agencies administering Federal aid programs.

Section 2a provides for the establishment of a National Intergovernmental Affairs Council to be presided over by the President of the United States or, in the President's absence, such member of the Council as the President may designate.

Section 2b sets forth the functions of the Council: to advise the President in the formulation, implementation, and coordination of domestic policies and programs which affect intergovernmental relations and the Nation's economic and social development, so as to enable Federal departments and agencies to carry out more effectively their activities, and collaborate more fully with State and local governments.

Section 2c states that the Council shall be composed of the President; the Vice President; the Secretary of Housing and Urban Development; the Secretary of Health, Education, and Welfare; the Secretary of Labor; the Secretary of Commerce; the Secretary of Agriculture; the Director of the Office of Economic Opportunity; the Chairman of the Advisory Commission on Intergovernmental Relations; and such secretaries and undersecretaries of the Executive Department as may be designated by the President to serve at his pleasure.

Section 2d describes certain additional duties of the Council. Subject to the direction of the President, it is authorized to assess and appraise the objectives and performance of domestic programs and activities affecting intergovernmental relations and the Nation's economic and social development for the purpose of making recommendations to the President. It is further authorized to consider any other matters of common interest to the departments and agencies of the Federal Government concerned with initiating and carrying out such policies and programs and to make recommendations to the President in connection therewith.

Section 3a provides that the Council shall have a staff to be headed by an Executive Secretary appointed by the President. It authorizes this Executive Secretary, under the direction of the Council but not subject to the civil service laws or the Classification Act of 1949, to appoint and fix the compensation of personnel as may be necessary to perform the duties prescribed by the Council in connection with the fulfillment of functions under the Act. Compensation for such Council personnel, however, will not exceed the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended. This provision conforms to comparable regulations governing the personnel of the National Aeronautics and Space Council and the National Security Council.

Section 3b amends section 105 of title III of the U.S. Code and places the Executive Secretary of the National Intergovernmental Affairs Council on the same basis as the Executive Secretaries of the National Security Council and the National Aeronautics and Space Council, as well as certain Presidential assistants, with respect to compensation.

Section 3c provides that the Council shall, from time to time, make recommendations and other reports to the President as it deems appropriate or as the President may require.

EXCERPTS FROM "THE FEDERAL SYSTEM AS SEEN BY STATE AND LOCAL OFFICIALS," A STUDY PREPARED BY THE SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS, SENATE COMMITTEE ON GOVERNMENT OPERATIONS, 1963

While agreeing that the Federal, State, and local governments should be interrelated but fully independent parts of a single system, many officials believed that the National Government today is playing too great a role within the intergovernmental relations process, to the detriment of the other levels' respective power positions. As a result they concurred that the Federal Government should relinquish certain taxes to the States in return for the States' assumption of the financial responsibility of certain activities now carried out by the National Government. At the same time, these officials sanctioned the enactment of a number of new grants-in-aid. Further, most of these respondents agreed that there were not too many instances of direct Federal-local relationship in the carrying out of various intergovernmental programs. Practical need and suspicions concerning State governments, as they are presently organized, combine to explain some of these apparent inconsistencies. One way of reconciling these divergent viewpoints, perhaps, is to assume that most respondents in the middle categories implicity assumed that the respective roles of all levels of goverment with regard to domestic functions will increase in the future and that some measure of devolution—ideally to States that have been significantly strengthened—will be necessary if each jurisdiction is to assume its proper share of the burden.

Administratively, nearly all of these respondents felt the collaboration-among-equals approach should be further implemented by Federal initiation of certain innovations. Most felt that the organizational requirements for State and local governments under present grant-in-aid programs are excessively rigid and that greater administrative flexibility for these levels is needed for the effective realization of these programs' goals. While indicating that no excessive difficulty was caused by the variations in accounting among the various grant programs, nearly all of these respondents favored enactment of national legislation providing for uniform accounting and auditing procedures.

An overwhelming number also called for the elimination of the post-audit of grants-in-aid by the Federal agencies and substitution of the audit report by the respective State auditing authorities, with the added provision that the Comptroller General's standards of adequacy and integrity are met and the GAO is authorized to conduct spot audits. Further, though greater organizational flexibility at the State and local level was sanctioned, the use of incentive grants by the Federal Government to induce the adoption of new procedures and/or new organizational forms also won strong commendation.

The underlying factor explaining these various and partly ambiguous positions is the desire on the part of these respondents to simultaneously achieve expanded organizational autonomy vis-a-vis the Federal agencies, a simplification and greater standardization of Federal accounting and auditing practices in the grant-in-aid area, and a strengthening—even with Federal assistance—of their own administrative structures and practices. Though the particular means of implementing these three objectives are not always consistent with one another, all are viewed as necessary ways of invigorating the State and local governments.

In the field of grants-in-aid as such, these respondents expressed many criticisms. While accepting the device in principle, most felt that periodic congressional review of all grants-in-aid was necessary for strengthening it as an efficient means of interlevel cooperation. Many stated that present grant programs had led to an imbalance in the services performed by the other levels of government and that the equalization factor had been carried about as far as it should be. Nearly all agreed that Congress should consider legislation to make the apportionment and matching formulas within present grant programs more uniform and attempt to standardize the definitions of frequently used terms. Overall, then, the grant is accepted and greater use of it is urged for the future; yet their approval of some devolution of grant-aided functions, better congressional oversight, a simplification of administrative regulations, and a reexamination of the overall emphasis in grant programs is a clear sign that most of these officials reject the idea that existing grants are wholly effective collaborative mechanisms.

With respect to total governmental revenues, these respondents as a whole were unable to make any clear-cut recommendation as to whether there should be a strict division of the tax sources among the three levels or whether each should continue to be allowed to select its own tax sources. Either alternative from the State or local viewpoint could be interpreted as an attempt to maximize the authority of their levels of government in tax matters. This view was more clearly reflected in the overwhelming support for congressional adoption of some form of payments-in-lieu-of-taxes legislation, for continued Federal tax exemption of State and local bonds and other debt obligations, and for no action by Congress which would provide for statutory standards and limitations on the power of States to levy

taxes on multistate businesses. Their fairly strong support for the proposal that the Federal Government should establish tax credits for income taxes paid to State and local governments did not tie in with these other stands, since this in the long run would force many of the States to adopt this tax. In general, however, there was overall consistency in the tax field. The twin goals of larger revenues and greater fiscal autonomy explain the compatibility of their responses to various fiscal questions, as well as their views on the two issues which produced disagreement and an apparent inconsistency.

Of the three levels of government, these respondents most frequently singled out the States as the level most in need of strengthening. More equitable legislative reapportionment and the establishment of a State department or office of metropolitan and/or local affairs were strongly endorsed. In addition, most of the criticisms already cited in the administrative, fiscal, and grant-in-aid areas reflect a broad underlying belief that the States at present are not participating to the fullest extent. The apparent departures from this position are reflected in their unwillingness to have Federal highway taxes on trucks collected by State tax agencies, their rejection of the proposal that all grants-in-aid to local units should be channeled through State governments and their failure to concede that there are too many direct Federal-local relationships at present. These are not really inconsistencies at all, however. They reflect the fact that most of the respondents are local officials. Even more important, they are obviously premised on the existing system of State governments. These apparent discrepancies then provide, in fact, additional evidence that these two groups consider the States to be the weakest links in the chain of Federal-State-local relations.

Respondents' positions on many questions dealing with local government appeared to be less consistent. Most officials, for example, conceded that there were too many units of local government in metropolitan areas, yet they believed that the "home rule" concept had not been carried far enough in meeting local and areawide governmental needs. Further, while emphasizing local initiative, State governments were assigned a major responsibility for enabling and assisting the local jurisdictions to meet the many challenges that presently confront them. Nearly all favored a reduction or elimination of the present State limitations on local taxing and borrowing powers, and strongly approved the creation of a State agency on metropolitan or local affairs to help local governments deal with various aspects of urban development. State enabling legislation to permit the formation of charter commissions within metropolitan areas was also sanctioned.

The Federal Government was also assigned a significant role in assisting local governments to help themselves. Matching incentive provisions, within Federal grant statutes, for the development of areawide projects and proposals in metropolitan areas were accepted. Legislation providing for review and comment by an areawide planning body on Federal grant applications for a series of activities within metropolitan areas was also favored. As was previously mentioned, however, most respondents within these two categories rejected the idea that the existing network of direct Federal-local relationships was undesirable and opposed the suggestion that all grants-in-aid to the local units should be channeled through the State government. Whatever discrepancies crop up in these various positions spring from the fact that most of these officials implicitly endorsed three basic objectives with respect to this jurisdictional plane: First, the legal and fiscal position of local governments must be strengthened; second, areawide problems must be met by reliance on the voluntary, cooperation-among-equals approach; and third, neither of these objectives can be achieved without significant assistance from both the State and Federal levels. These goals, in turn, relate directly to the overriding desire to more fully implement their ideal of vigorous, untamed local governments.

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Many of the previously examined proposals for strengthening the power positions of State and local governments were prompted by the respondents' belief that the central government has assumed more than the "primus inter pares" role which most were willing to concede to it. The resulting relationships, then, do not correspond with the parity-of-power principle in their operating theory of intergovernmental relations. These same officials, nonetheless, placed a heavy responsibility—as we have seen—for correcting this imbalance squarely on the shoulders of the National Government. While they conceded that States and local units of Government must by themselves launch many corrective measures, there was far less agreement as to what these governments should do than on actions the Federal Government should take. Their view that the Central Government is partially responsible for the power imbalance, along with their awareness of the divergent problems within the 50 States, helps explain why no consensus emerged as to what specific measures should be initiated at their levels. The most important reason for this reluctance, however, is the fact that most of these officials reject the concept of standardized reforms and believe that the essence of State and local autonomy is freedom of choice with respect to the various proposals that might be enacted to buttress these two sets of governmental institutions.

EXCERPTS FROM "THE FEDERAL SYSTEM AS SEEN BY FEDERAL AID OFFICIALS," A STUDY PREPARED BY THE SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS, SENATE COMMITTEE ON GOVERNMENT OPERATIONS, DECEMBER 15, 1965

BUREAUCRACY AND FEDERALISM: SOME OBSERVATIONS AND PROPOSALS

This study began as a survey of the views of Federal aid administrators on some of the more troublesome issues confronting our federal system. As the study progressed, it also involved an analysis of some of the problems in contemporary public administration. As such, it became a study of middle management, since practically all of the survey's respondents are bureau chiefs or division heads.

The conventional wisdom of public administration holds that middle management is the principal home of the specialists—not the generalists—in the bureaucratic structure. This is not surprising, since the civil service classification system is still largely based on specialized principles and since appointment to this level usually comes to ingrade bureau personnel, not to outsiders. Further, the administrative unit which middle management executives head is the bureau or division. And this relatively homogeneous structure is built to perform one task or a series of closely related tasks. As such, it is a highly stable organizational unit that reorganization plans may shift around, but rarely abolish. Finally, most bureau chiefs and nearly all division heads have permanent tenure and thus are able to exert a continuing influence toward achieving unity and consistency in administering the programs falling under their jurisdiction. Stability based on tenure; professionalism based on technical training, experience, and program goals; and a narrow functionalism based on the relatively homogeneous program mandates of the bureau and division—these are the usual traits of middle management found in the lexicon of public administration experts.[1]

Four behavioral themes recur throughout the questionnaire responses of nearly all of the 109 administrators participating in this survey. These themes both correspond to and expand on the foregoing traits of middle management.

Functionalism, or the respondents' preoccupation with protecting and promoting the purposes of their individual programs, was the most important single conditioner of their comments regarding the items examined in all five parts of the questionnaire. This is in keeping with the normal role of an executive assigned to this administrative level and with the specific character of their program mandates. It is this norm that accounts for their intense desire to maintain clear channels of communication and to promote the closest possible relationship with their functional counterparts at the State and local levels. It is this norm that helps explain the aggressive defense of their programs' objectives. It is this norm that generates the special brand of politics—program politics—which successful middle management administrators so adroitly practice. And it is this norm that produces their general insensitivity to many of the diplomatic niceties required for more successful intergovernmental relations.

Professionalism, or the deep commitment to the merit system principle and to the technical and ethical standards of the specialized group to which they belong, dictated their answers to nearly all of the questions in the preceding chapters on State Organization and Intergovernmental Personnel. It is this norm that explains their keen interest in upgrading the expertise, tenure, and administrative capabilities of their counterparts at the State and local levels. It is this norm that explains their attempts to reduce to a minimum the meddling of "dilettante generalists" at any point in their administrative operations. It is this norm that explains their distrust of partisan intrusions into the administration of these programs. And it is this norm that explains their difficulty in arriving at a balanced definition of the public interest as it applies to the State or metropolitan level.

Standpattism, or the rigid defense of traditional practices, procedures, and principles, is a theme found in the great majority of their answers to the items covered in the chapters on Federal aids, financial administration, and metropolitan area problems. As the conservative defenders of administrative continuity and stability against innovating pressures from above, from below, and from outside, these middle management officials could hardly be expected to indicate that present channeling and disbursement practices, accounting and auditing procedures, and program activities in metropolitan areas are something less than sensible and sound. This norm, of course, is necessary to balance the impetus for change and to provide the proper administrative milieu for the implementation of any program. Yet, this norm and its adherents must also be recognized as the major obstacle to any reform in the problem areas reviewed in this survey.

The fourth behavioral norm—indifference, or the cavalier dismissal of serious questions and topics as being irrelevant or unimportant—was reflected in responses to every section of this questionnaire. Nearly every item produced a large percentage of "no opinion" replies, and several items produced "not relevant" comments from agency heads

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[1] Leonard D. White, *Introduction to the Study of Public Administration*, Fourth Edition (New York, MacMillan Co.), pp. 88, 99; and Mary C. H. Niles, *Middle Management* (New York, Harper, 1949), *passim*.

whose programs clearly were covered by the issue under examination. And even the clear-cut answers of many respondents indicated a complete indifference to the critical significance of the topic in question. This attitude, of course, is partly an extension of the three traits previously discussed. Middle management executives, with a strong functional, professional, and status-quo orientation, are not likely to approach broad questions of a multifunctional, interlevel, interagency, or coordinating nature with any great enthusiasm or concern. But this attitude also relates to other factors. It stems in part from the ignorance that only the narrow specialist can display toward broader questions of management, policy, and governmental operations. It stems in part from an acute awareness that their expertise is needed and that their administrative positions are fairly secure. It stems in part from their recognition that many of the larger intergovernmental questions can only be resolved by others more directly involved in the decisionmaking processes at the Federal, State, and local levels.

* * * * *

What, then, *is* the theory of these Federal executives?

At no point did any of the respondents develop one. Nor was it expected, since middle management executives are supposed to be pragmatic administrators, not political theorists. Yet careful assessment of the answers to certain key questions indicates that the respondents do have a general idea of what intergovernmental relations are and how they should operate. In short, they have a theory of federalism, and more than three out of four adhere to the same interpretation of the system.

Few among the majority would recognize the elements of this theory as being the logical corollaries of their responses to one or more of the survey's questions. None probably would accept all of its provisions. Yet the following hypotheses are, in fact, the basic features of the theory of federalism which emerged from the majority's responses.[9]

(1) The Federal, State, and local governments are interrelated parts of a single governmental system; each level, however, must effectively discharge its mandated responsibilities if all of its rights as a member of this partnership are to be preserved.

(2) Most domestic functions of government are shared, but the Federal Government, as the senior, most progressive, and most affluent member of this partnership, has been forced to assume a disproportionate share of this responsibility.

(3) Policymaking in intergovernmental relations is a multilevel process, but obstruction—not collaboration—is as likely to be encountered from elected policymakers at the State and local levels.

(4) The administration of joint action programs is a mutual—and, ideally, a professional—undertaking. Their authorizing legislation establishes them on a functional basis, and the vertical lines of communication and collaboration between and among the functional specialists in Washington and their counterparts in the field must be kept clear and unbroken if the bases of genuine cooperation are to be maintained.

(5) The Federal grant and other aid devices are, and will continue to be, the most prominent and positive feature of contemporary federalism. They—not block grants, tax credits, or similar devices—provide the only time-tested techniques whereby the levels of government can collaborate effectively to fulfill common purposes and to meet certain national standards. Moreover, if not burdened with partisan or nonprofessional interference, they can also serve to strengthen the States and local units of government, since they rely primarily on these jurisdictions for administrative purposes and tend to upgrade the caliber of the civil servants employed by these levels. Efforts to achieve greater consistency and uniformity in the operation of aid programs ignore the basic fact that each program is designed to accomplish a specific public purpose, hence, administrative and financial practices and procedures must be geared to the needs of the individual program and not to any abstract standardized principles.

(6) Responsive and responsible State governments are vital for an effective federal system, yet most States do not possess these characteristics and are not likely to acquire them in the near future. Most States have failed to exert a maximum tax effort, to eliminate outdated limitations on the taxing authority of local units of government, to adopt statewide merit systems, to improve the salaries and professional opportunities of their civil employees, to establish greater order in their own metropolitan areas, and to revamp their political systems. In short, they have failed to achieve the minimum requirements of a democratic government in the mid-20th century. It is necessary, therefore, to continue those provisions in grant and other aid programs which minimize threats to effective collaboration among program administrators at the various levels.

(7) General units of local government, when properly empowered and financially aided by the States, can act as effective partners in Federal-State-local and Federal-local joint action programs. Special-purpose districts and authorities grow out of particular local and areawide needs and of the States' failure to strengthen the fiscal base of general units of local government; as such, they serve a useful purpose in helping to implement certain Federal aid programs.

(8) Rapid urbanization challenges traditional intergovernmental functional relationships; yet it is largely through strengthening these individual relationships, along with some increase in informal interagency contacts, that this challenge will be surmounted. Excessive preoccupation with regional or areawide principles and mechanisms can slow up the implementation of much-needed urban development and, in some cases, subject program administrators to additional political pressures.

(9) Intergovernmental relations are primarily a vertical and diagonal system of financial, functional, and administrative arrangements; the primary purpose of each and all of these relationships is to meet the demands of the American people for better or new public services. Intergovernmental relations, then, function as the essential means to this great end, not as an end in themselves.

(10) Successful intergovernmental relations are chiefly successful bureaucratic relations. Authorizing legislation, funds, and oversight come from legislative bodies. Policy directives, budgetary review and control, and administrative rules and regulations come from top management. And advice, assistance, and support, as well as complaints, criticism, and censure, come from officeholders at all levels, individual citizens, and interest groups. These basic forces of our pluralistic political system shape and sustain the broad, complex pattern of intergovernmental relations. The day-to-day conduct of these relations, however, falls to Federal middle management administrators, their field personnel, and their functional counterparts at the State and local levels. Well-intentioned but misguided reforms that ignore or undermine the team effort of these wheelhorses of federalism threaten the dynamism of the system itself.

These, in brief outline, are the features of the majority's rather unusual theory of American federalism. To revert to the kitchen, the ideal dessert of these respondents is not a layer or marble cake, and certainly not a marble cake cut into layers, but a large brick of harlequin ice cream containing 143 (depending on your aid count) flavors. And they want their end-of-the-dinner delight straight from the freezer with no melting at the bottom or top and no special syrup over it. With this theory of federalism, we leave the pantry and go to the refrigerator.

These contrasting anologies, of course, are based on contrasting emphases and principles. This theory's cooperative, functional, and anti-State-and-local-elected-official bias makes it completely unacceptable to the States' righters. Its nearly equal recognition of the role of competitive forces and its basic stress on the professional administrators as the real architects of cooperative federalism do not conform to the Grodzins-Elazar thesis. Its unsympathetic treatment of such topics as the power position of the States and general units of local government and their elected policymakers; more flexible regulations for aid programs; and Congress' role as strengthener of the federal system—to mention only three of the foremost differences—is in marked contrast to the positive positions taken on these issues by the majority participating in the previous survey. This, then, is an atypical interpretation of our federal system.

* * * * *

Like others, this "harlequin" theory both identifies points of tension within the system and creates tension points by the mere fact that its adherents occupy a critical position in contemporary intergovernmental relations. The basic problem areas highlighted in the theory are threefold.

First, there is tension horizontally between administrators at the various levels, created by the failure of the governments at the lesser levels to upgrade the professional capability of their civil employees.

Second, there is the tension vertically between the professional goals of administrators of intergovernmental programs and the political goals of the policymakers at the various levels of government.

Third, there is tension, both vertically and horizontally, between individual program administrators at every level and public administration authorities, some intergovernmental relations experts, and some sectors of top management. The latter, in their search for greater manageability, coordination, and simplicity and for less fragmentation, program insulation, and administrative pluralism, lose sight of the fact that these programs, and the larger system of which they are a part, are geared to serving the people's public needs, not the private or public needs of politicians, top administrators, or levels of government.

This theory of federalism also generates friction, since its proponents are major participants in the intergovernmental process and since its normative features—to a greater degree than its descriptive features—actually condition the official behavior of these respondents.

First, its unifunctional and professional bias, along with the normal motives for bureaucratic survival, tends to create tension among the Federal administrators of the various aid programs. This is especially true of the relations between the administrators of newer and those of older, more traditional programs.

Second, the theory's specialized program and bureau emphasis creates severe problems for departmental officials and various units in the Executive Office of the President. This occurs because top management and staff are charged with the duty of integrating the functions of individual bureaus and divisions

[9] The minority differed primarily with the majority only with respect to the principles developed in items 6, 7, and 8. (See chapter V, pp. 71–92.)

with the national function of developing a coherent, timely presidential program based on scaled priorities; with the ultimate executive task of balancing the bias of particular administrative units with the general role of government as the "impartial instrument of a symmetrical national development," as Woodrow Wilson once phrased it.[10]

Third, this theory's antipolitical and anti-innovation bias conflicts with, and even threatens, the efforts to policymakers and others at all levels who are seeking to bridge the communications and authority gaps at the Federal, State, and metropolitan levels, especially where the gaps impede the proper formulation and administration of urban development programs.

To sum up, the theory adhered to by three out of four of these Federal aid officials identifies three major sources of conflict in contemporary Federal-State-local relations:

(1) Professionalism at the higher level versus a lesser degree of professionalism at the other levels;

(2) Professional program administrators versus elected policymakers at all levels; and

(3) Administrators of individual aid programs versus intergovernmental reformers.

And because this "harlequin" theory of federalism is an operating precept as well as a descriptive interpretation, it produces its own areas of conflict:

(1) Professional administrators of one aid program versus the professional administrators of others;

(2) Specialized middle management versus generalized top management; and

(3) Conservative bureau heads versus innovators seeking to strengthen other components of the federal system—the States, our metropolitan communities, and the decision-making process at all levels.

[From the Reporter magazine, Mar. 24, 1966]

COORDINATING THE GREAT SOCIETY

(By Stephen K. Bailey)

Probably no series of legislative enactments in U.S. history has created more complex administrative problems than those recently passed under Lyndon Johnson's leadership. They have three things in common: their implementation cuts across existing departmental and agency lines within the Federal government; they demand almost heroic responses from state and local governments in order to succeed; they require a combination of technical and administrative skills that are critically scarce in the society at large. Despite the demands of the war in Vietnam, the critical shortage is not money but people to carry out the programs and effective administrative machinery. Neither Medicare nor aid to education nor the poverty program has either of these at the moment.

The poverty program alone, based on the Economic Opportunity Act of 1964, is being handled by a multiplicity of agencies. Some of its projects are directly administered by the Office of Economic Opportunity, headed by Sargent Shriver and based in the Executive Office of the President; others are not. While the Job Corps is run by OEO, the Neighborhood Youth Corps is administered by the Department of Labor; the Work Experience Program by the Welfare Administration of Health, Education and Welfare; the Rural Family Loan Program by the Farmers Home Administration of the Department of Agriculture; the Economic Opportunity loans by the Small Business Administration. And this catalogue does not begin to touch efforts related to the poverty program but not formally a part of it: for example, the Rural Community Development Service in the Department of Agriculture; the Economic Development program in Commerce; and the Appalachian Regional Commission, an autonomous organizational entity composed of state governors and a single Federal respresentative.

Such various sources of attack provide an undeniable impetus to the campaign against poverty, but they do not make for administrative tidiness. The difficulties in Sargent Shriver's position are patent: vested with over-all responsibility for the poverty program, he must negotiate, co-ordinate, even command and veto activities of departments whose Secretaries outrank him in status-oriented Washington. It is perhaps symptomatic of his situation that the Economic Opportunity Council, headed by Shriver and composed of the Cabinet Secretaries and agency directors with responsibilities in the drive against poverty, met only four times in the first year of the program.

There have been some attempts to unsnarl the administrative lines. Agriculture and OEO, for example, have established a task force to coordinate Federal efforts to eliminate rural poverty. But the search is still on for a way of providing general direction for the total war on poverty. The miracle is that in spite of the administrative confusion, Shriver can point to the award of 1,800 Community Action grants, half a million Head Start youngsters, eighty-seven Job Corps centers in operation, and 1,800 trained VISTA volunteers—all accomplished in eighteen months of frenetic activity. But the administrative problems remain, and they will get worse before they get better.

THE PROLIFERATION BARRIER

The problem of administering programs whose boundaries are amorphous is a general characteristic of the Great Society. A recent New York *Times* report on education found that, despite the formal responsibilities of HEW's Office of Education, important new education programs are found in most of the eleven Office of Economic Opportunity programs, as well as in five programs in Cabinet departments. Civil-rights responsibilities are similarly assigned, and have recently been reassigned, to each individual governmental agency. In spite of heroic work by Vice President Humphrey, no central bureau effectively co-ordinates the various efforts and policies in the field of human rights.

At present more than forty different Federal programs provide aid for urban development, yet the most careful of studies—that of the Advisory Commission on Inter-Governmental Relations—fails to reveal "any evidence of a unified urban development policy." In the field as in Washington, interagency contacts are predominantly informal. Where formal arrangements have been made, they are usually bilateral rather than multilateral. The new Department of Housing and Urban Development (HUD) will make inroads in this confusion, but it will not end it. Bureaus of at least four other Cabinet departments, as well as a half dozen or so independent agencies, administer grant programs to urban areas. As a result, separate Federally assisted programs tackling different aspects of community development—physical, economic, and social—are often quite separate. In the area of assistance for local waste-disposal facilities alone, four different Federal agencies handle similar grant or loan programs in dissimilar ways.

If barriers to effective administration seem nearly insurmountable in Washington, they grow even more so away from Washington. Between the nation's capital and the ninety per cent of Federal employees who work in other parts of the country, among Federal field agencies, within state governments, within and between local jurisdictions, and among Federal, state, local, and private agencies working at similar purposes, a lack of co-operation and the absence of effective co-ordination threaten the very base of the President's programs.

ROOM AT THE TOP AND ELSEWHERE

There is often imperfect understanding between Federal field agencies and their headquarters in Washington. Federal regional and district offices representing scores of departments, agencies, and bureaus are sprawled haphazardly across the landscape. State and local officials find real difficulty in getting answers to their questions at local Federal offices. Problems must be referred upward through the hierarchy, laterally across agency jurisdictions, and screened at many stages along the way. The urgently needed decentralization of decision making can be achieved only after a thorough reorganization of the Federal field structure.

But implementation of the President's program is equally dependent for its success upon state and local governments. Here too the hazards are severe: metropolitan areas, each composed of dozens and even hundreds of anarchic local government units that are largely unconcerned with the needs of the whole interdependent area; state legislatures whose malapportionment has made them unconcerned with the plight of their urban areas for generations; and state bureaucracies inadequately staffed to fulfill the needed functions of program co-ordination and information gathering for rational community and regional development.

Affecting all levels of government from the operating level to high policymaking positions is the dire shortage of trained and talented people to plan and manage the thousands of projects and programs of the Great Society. I can perhaps best illustrate this dearth of manpower with an example from the field of education. The searching examination of our school system that was stimulated by the launching of the first Sputnik in 1957 revealed serious deficiencies in the training and competence of a dismaying proportion of our classroom teachers. And the problem reaches upward into the top levels of state educational systems. "Few states can command competent personnel," Roald Campbell, one of the most talented educational administrators, now dean of the Graduate School of Education at the University of Chicago, commented recently. "Possibly only the New York State department is prepared to be an equal partner with the U.S. Office of Education.

And what of the situation in the Office of Education itself? With an operating budget that has multiplied fourfold in the last two years, it is undergoing a determined effort to reorganize itself to meet its responsibilities. One step below its excellent chief administrators, in the crucial top fifty or so civil-service posts, nearly forty-five percent of of the positions were "vacant" as of last summer. Many others are still filled by holdovers from the more relaxed atmosphere of the Office's years of fiscal and programmatic neglect.

Another characteristic of the Great Society programs is the degree to which they become of necessity involved in the competition and conflict of local political machines and social institutions across the country. The OEO, for example, has authorized a third of a billion dollars in Community Action grants, each of them based on projects designed by community leaders, local officials, and neighborhood councils in more than a thousand different localities. Thus, along with the benefits of broad citizen participation, these Great Society programs inherit the headaches of local political struggles.

A case in point is the battle joined by Mayor William F. Walsh in Syracuse, New York, and an independent Community Development Association. To the Republican mayor, this Federally subsidized campaign to organize, as a part of its program, a "demo-

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[10] Woodrow Wilson, *Constitutional Government* (New York, Columbia University Press, 1908, 1921), p. 21.

cratic" voter-registration drive in the city's poor wards looked suspiciously like an effort to build "Democratic" organizations. The conflict over the $125,000 program has been fought almost daily in the news media of Syracuse since last spring, and at various stages has taken either the mayor or program participants to Albany, Washington, and the LBJ Ranch. In a similar vein, the Conference of Mayors has complained that city-sponsored Community Action agencies are sometimes bypassed; and governors have testified before Congressional committees on the erosion of state sovereignty implicit in direct OEO links to local communities.

In many cities the poverty program has indeed brought about a revolutionary assault on the established social structure. The now famous requirement set forth in Title II of the Economic Opportunity Act for "maximum feasible participation of residents of the areas and members of the groups served" calls upon the administrator to bring into his organizing effort the very people he is trying to help, the traditionally alienated and effectively disfranchised. How widely the representatives of the poor will be effective partners in the design and implementation of the poverty program remains to be seen. In San Francisco a persistent and well-organized campaign brought them a series of victories that now leave them in numerical control of both the San Francisco Economic Opportunity Council and the Council's executive board. More commonly, as in Syracuse, neighborhood representatives find themselves outnumbered and outmaneuvered. But expectations have been aroused and will doubtless continue to complicate administrative operations of the Community Action programs.

At the same time, the Great Society is increasingly dependent upon the co-operation and initiative of commerce and industry. Appalachia's $840 million in new roads will not rehabilitate the region unless new trucks are rolling on them. Regional development plans, no matter how well formulated, will not bring progress to other economically backward areas unless businesses and factories take imaginative advantage of the $3.25-billion Public Works and Economic Development Act of 1965. Streams and rivers and air will not be effectively cleansed without the active co-operation of the managers of the private economy (or for that matter the public communities).

This kind of Federal partnership with private enterprise in achieving the Great Society is already at work in the Job Corps, where a number of contracts to run residential training centers have been let to corporations whose usual activities are far afield from education. While Shriver has praised the record of corporation-run camps for their efficiency and their job-oriented programs, a highly publicized report on one of them, Camp Kilmer, by a panel of Rutgers professors criticized the camp's authoritarian atmosphere and its administrators' lack of understanding of young people raised in poverty. Yet training centers run by educational or community organizations have had their problems, too—brawling, prostitution, marijuana, sloppy bookkeeping. As Job Corps Director Dr. Otis A. Singletary has pointed out, "We don't recruit angels into the Job Corps." A certain degree of mayhem is built in.

ASSIGNING THE CHALLENGE

It is easy—and politically popular—to overstate the administrative difficulties created by the Great Society programs. But administrative tidiness is not the be-all and end-all of government, and competition is often as desirable among government agencies as it is elsewhere. Nonetheless, the dangers are real and the need for new administrative machinery and methods correspondingly urgent. Federal programs must be more effectively related to each other and must complement state and local programs without the sacrifice of initiative, experimentation, and momentum.

What should the President's role be in such a broad and ambitious enterprise? Certainly not that of personally supervising the operation of the national government, but rather of setting the necessary forces to work. For one thing, he can strengthen the capacity of his own Executive Office to recommend and enforce organizational change. In the West Wing of the White House and in the office building across the driveway are the President's supporting staff—those most capable of breaking the inertia and self-interest that protect existing jurisdictional patterns in the Federal establishment. The Bureau of the Budget, especially, needs additional staff to perform management surveys and to recommend administrative reforms. The entire field structure of the Federal government, as I said earlier, requires drastic overhauling and a decentralization of decision making. And with increasing authority assigned to Federal field offices, new interagency information sharing, planning, and program coordination must be made possible at the regional as well as at the Washington level. The President should also insist that "overhead" money be given to state and local governments to assist their administrators in setting to rights their present haphazard participation in the scores of Federal aid programs.

The President has already led the way by raising the standards for top Federal administrators. He must now set higher standards for recruitment at all levels. By establishing suitable incentive or sanctions he will also encourage greater effectiveness at the state and local levels.

Indeed, the President in his 1966 Budget Message and in subsequent special rural and urban development messages has already indicated his awareness of what is required. Ultimately, however, the real burden of administering the Great Society is not on the President. The Great Society should be seen rather as a Presidential challenge to the American people. Looked at in this way, it represents a return to local responsibility. Its success depends not upon the administrative genius of the President but rather upon the co-operative energies of officials and citizens throughout the nation.

THE 200 BILLION ELECTRON VOLT ACCELERATOR LABORATORY

Mr. LONG of Missouri. Mr. President, it is with deep regret that I must bring before the Senate once again the shocking and extremely serious matter of where the United States should build the world's biggest atom smasher.

Exactly 1 month has now passed since I first brought this subject up in the Senate.

For 1 month I have waited, hoping the Atomic Energy Commission would attempt to clear up some of the questions I raised. For 1 month I have waited, hoping that the National Academy of Science would make some effort to explain publicly why they picked six sites which fail to meet the basic physical requirements which the Atomic Energy Commission set up last year—six sites which may cost the American taxpayer millions of extra dollars, and which may endanger our leadership in high energy physics research if the final selection is made from these six sites. For 1 month I have waited, hoping that the Academy and the Commission would recognize the extreme danger our atomic energy program now faces.

Instead, the American people have been left wondering why in the world no one is doing anything about what may be the biggest hoax in the history of American scientific development.

The dozens of American communities which submitted proposals, which spent thousands of man-hours and hundreds of thousands of dollars measuring their ability to meet the AEC's high standards, deserve a full public explanation. They deserve a fair hearing. And after studying the whole situation again, I am more convinced than ever that the National Academy completely failed to give these communities a fair hearing.

I am therefore this day writing the Commissioner of Atomic Energy, Glenn Seaborg—a great American, who has been a vital force in the success of our atomic programs—requesting that the Commission reconsider its decision to go ahead with the six sites chosen by the Academy. A copy of this letter will be placed in the RECORD.

I cannot overemphasize the urgency of this matter. Already Congress has authorized $2.2 million for studies of these six sites. This money will be used to make detailed engineering studies of the six sites, with the purpose of coming up with a final selection before the end of the year. In testimony before the Senate Joint Committee on Atomic Energy earlier this year, Dr. Paul W. McDaniel, Director of the AEC's Division of Research, warned that—

> If it is determined to be necessary to do any engineering studies like making architect layouts for six or seven different sites and making intercomparisons, I can visualize that costing a considerable sum of money and again that will eat up the $2.2 million very fast.

When asked if the $2.2 million was enough for the necessary studies he said:

> The answer really depends on the nature of the terrain for the six or seven sites that are recommended.

Just a few weeks after he testified, the AEC revealed six sites which, if the needed studies are launched, may cost the taxpayer more than the $2.2 million already allotted by Congress. Let me point out that while this project is expected to cost a total of $375 million, we have already spent, or are spending, nearly $7 million drawing up technical plans for this giant atom smasher.

The sums of money are vast. The importance of the project to our research programs is vast. But the taxpayers right to have his tax money spent in the best possible way is threatened by the irresponsible decisions of a small group in the National Academy of Sciences. I hope the AEC will act quickly to correct the situation.

Mr. President, I could take a great deal of the Senate's time citing deficiencies which are noted by the National Academy report or which have been pinpointed by staff research. Frankly, I have no real way of estimating the tremendous cost problems these six sites involve. But I submit, that the National Academy gave almost no attention to cost problems.

As the report so well states:

It has not been the purpose of this (NAS) Committee to estimate the costs of construction and operation at various sites.

Mr. President, it is obvious that the National Academy should have stuck to the rules. They should have done the job the Congress, the Atomic Energy Commission, and hundreds of communities in every State in the Union expected them to do. By ignoring the AEC's criteria, by rejecting the solid basis on which all the applications were submitted, the National Academy has dealt a serious blow to our faith in the "experts." Rather than apply their great technical abilities, the Site Selection Committee of the National Academy of Sciences took the path of arrogance and irresponsibility.

They took a sort of taxpayer-be-hanged attitude, and by their own admission gave little importance to such things as the possibility of earthquakes at Sacramento, hurricanes and inconvenience at Brookhaven, snow and freezing weather at Denver and Madison, prolonged high temperatures at Sacramento, the $2,800,000 that someone is going to have to pay to buy 50 titles of land at Ann Arbor, the inadequate power supply at Denver and Madison, the tremendous added cost of obtaining adequate water at Brookhaven and Sacramento, and the unfavorable geology at all sites except Madison.

What did the National Academy really do? What did they spend their time talking about when they should have been talking about the eight basic criteria? Well, for one thing they say they spent a lot of time talking about the subject "How can we get our high-energy physicists to come and use this 200 billion electron volt accelerator?"

"Ah," they thought, "maybe if we put this thing somewhere close to where these fellows already work, maybe then they would come use the accelerator." So they selected Chicago, Ann Arbor, Madison, and Brookhaven. And then, they thought, maybe these fellows would go somewhere where the weather is nice. So they selected Denver and Sacramento.

Could it have been that simple? For if so, if all they wanted was to find out where our scientists would like to live, I think the Academy would have been well advised to take a poll of all our scientists. One question would be needed: "Where would you like us to put the atom smasher for you?"

And no matter what the cost of the site chosen in this poll, I am sure that the National Academy would accept the choice.

But is it not obvious that, no matter where we construct this atom smasher, our scientists will come? After all, this will be the biggest in the world, by far the most advanced research machine of its kind for years to come.

Not long ago I received a letter from Dr. Merl Baker, chancellor of the University of Missouri at Rolla.

He said:

I fully concur with your arguments that scientists will adjust themselves to the environment where they are given a challenging opportunity.

He said that he met recently with the University of Missouri at Rolla alumni at Oak Ridge, Tenn.

He wrote:

I found that the scientists there are very pleased with Oak Ridge.

Mr. President, as every Senator knows, before the Atomic Energy Commission decided to build in Oak Ridge, there were few, if any, scientists in that area. Yet with a great laboratory, the scientists went there. And today, they are not complaining.

Surely the National Academy knows that scientists will go wherever there is research to be done.

Mr. President, if the National Academy is really convinced that our high energy physicists are so soft that they will not move unless it is to Denver or Sacramento, then I propose that, first, we select a site elsewhere in the Nation that meets all of the AEC criteria and, second, that we offer a 3-week paid vacation to all scientists who come to this site. I am sure, Mr. President, that the cost of these paid vacations would never approach the waste of millions and millions of dollars now proposed by the National Academy.

Mr. President, Mr. Lewis G. Joslyn wrote me recently to tell me about a tremendous study he has made of all 200 of the proposed sites for the atom smasher project. He evaluated each site assuming each one had all the land, water, and other basic needs required by the AEC. Even after eliminating these basic requirements, Mr. Josyln came to very different results than did the National Academy.

The six sites chosen by the Academy do not look good when compared with all other sites on the basis of power costs, proximity to a major airport, research and development complex and education complex within 50 miles. If there is anyone who doubts the quality of Mr. Joslyn's work, I can only quote one of the site selection members comments to Mr. Joslyn as quoted in the Haverhill Gazette, Thursday, November 4, 1965:

You're probably more familiar with the other sites than anyone. Maybe we could hire you as a consultant.

Mr. President, I am asking in this letter to Chairman Seaborg that the Atomic Energy Commission make a complete review of all the sites. I am asking that they make public all the cost factors about the various sites. I am asking that they select for final consideration only those sites which meet all the primary physical criteria which the AEC originally issued. The American people can ask no more than this: that the atom smasher be constructed with every consideration given to minimizing cost and maximizing convenience.

If the AEC refuses to grant this review, if the AEC refuses to answer the growing number of questions coming from citizens all over our Nation, then I can predict that this great project—vital as it is to our atomic energy program—will bog down in a horrible sea of political turmoil. Mr. President, before all of the $2.2 million authorized by Congress is spent, I hope the AEC will attempt to answer the issues which I have raised.

Mr. President, I ask unanimous consent that this letter be printed at this point in the RECORD.

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

JUNE 15, 1966.

Hon. GLENN T. SEABORG,
Chairman, Atomic Energy Commission, Washington, D.C.

DEAR DR. SEABORG: Respectfully request that the Atomic Energy Commission make a complete review of all the sites proposed for locating the 200 Billion Electron Volt Accelerator Laboratory.

As you know, some very serious questions have been raised about the six sites already chosen by the National Academy of Sciences. Believe it would help restore public confidence in the project to conduct a complete study, based on the criteria which the Commission originally submitted to the Joint Committee on Atomic Energy, and which the Commission enlarged in the "Siting Factors" memorandum dated November 16, 1965.

The original AEC criteria stated that "acreage requirements, the availability of adequate power, the proximity of adequate transportation, etc." are "absolutely essential." Unfortunately, it appears that the National Academy of Sciences did not agree with these criteria and instead picked sites which did not meet your high standards.

Acreage requirements: All but two of the sites fail to have land "owned or reasonably available to the Federal Government." If the AEC goes ahead with the six sites, in addition to negotiating with as many as 185 private owners on a single site, it may cost the American taxpayer $2,058,000 at the Sierra Foothills site; $9,360,000 at the Weston site; $2,800,000 at the Ann Arbor site. In addition, relocation problems may occur due to the fact that at the Weston site a major railroad—the Elgin, Joliet and Eastern—crosses the site as well as a 138 kv transmission line. There may also be some problem due to the fact that the town of Weston (population 410) is included in the site area.

The availability of adequate power: Even the National Academy itself admits that at the Denver and Madison sites "A detailed study would be needed to determine whether the power transmission system which would supply the area will have sufficient capacity to insure acceptable voltage and frequency stability under all possible load conditions." Perhaps in a re-study of all the sites you will be able to find ones which do not fail to meet the AEC's power criterion.

Proximity to adequate transportation: The Sacramento site and the Madison site fail to offer "Proximity to a major airport having, or planning to have frequent service to major U.S. cities" which the "Siting Factors" memorandum mentions. Instead we find that the site near Sacramento is 2½ hours or 116 road miles from the San Francisco International Airport and slightly less than that time and distance from the Oakland International Airport. Thus, in spite of AEC criteria, the National Academy of Sciences has selected a site which, as its report states, "is only moderately accessible to the majority of the nation's high energy physicists."

The Madison site is 125 miles, two hours by car, and 40 minutes by plane from O'Hare Field in Chicago and, as the NAS Report states, "offers only limited direct airline service to major cities except for Chicago."

Rail transportation appears to be inadequate at the Denver and Madison sites. The cost of a rail extension might be $400,000 to serve the Madison site and $300,000 to serve the Denver site. Seriously doubt if any railroad could absorb the cost of such extensions.

Believe that the communities which proposed sites in all areas of the nation deserve to know why, even though a number of them

satisfied the basic criteria, the National Academy of Sciences overlooked them in favor of sites which do not satisfy the AEC's basic criteria.

May I respectfully add that I am deeply disturbed by the Academy's statement "It has not been the purpose of this Committee to estimate the costs of construction and operation at various sites." By failing to look into the cost factors, the Academy has fallen far short of the expectations of the Congress and the American taxpayer.

My staff has collected a considerable amount of material on the six sites recommended by the National Academy. Based on my study of this material, I believe a complete AEC review of all the proposed sites will turn up sites which will be more convenient, cost less to the taxpayer, and will be less difficult to construct—sites which will not leave gnawing doubts in the mind of the American public.

Note that on page 1312 of the AEC Authorizing Legislation, Fiscal Year 1967, Hearings, Part 3, Dr. Gerald F. Tape states:

"This Commission I am sure will want to look at the particular ones which they (The National Academy of Sciences) have come up with for recommendation and before deciding to go forward with a continued examination of sites, whether or not there are others that for some reason or other the Commission would like to take into consideration. On that basis, whether we stick to the number that comes from the Academy or whether we add—there is that possibility—we want to reserve flexibility."

Am hopeful that, as Dr. Tape told the Joint Committee on Atomic Energy, this flexibility can be maintained until the Congress can be assured that the finalists are of the highest quality.

Kindest regards.

Sincerely,

EDWARD V. LONG,
U.S. Senator.

BUY COAL

Mr. BYRD of West Virginia. Mr. President, the economic main stem of many States in Appalachia—including my own West Virginia—has long been our vast coal resource.

Many think that coal has seen its best day and that energy will be produced by other sources. However, Mr. Eliot Janeway, a noted writer on economics, has seen things differently. In a column which appeared in the Washington Star on June 13, 1966, Mr. Janeway believes American coal may well be the key to our problem of deficit payments and the answer to Europe's fear of inflation.

I believe it deserves the attention of our Nation's planners. With the sale of more coal from West Virginia a few of my State's problems may also be solved.

I ask unanimous consent that the column be printed in the RECORD.

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

BUY COAL AND STOW THE ADVICE

(By Eliot Janeway)

NEW YORK.—"What would you do?" This is the question with which the President springs his technique for disarming critical but unwary visitors, even before they express their choice of weapons or take aim at their pet policy targets. It's easier for visitors to agree with the President than to stand up to the presence and be counted as a critic with a positive to the disarming question.

At the Treasury, by contrast, the operation is much simpler—and correspondingly less effective. There the tables are turned: It's the visitors who do the asking and the authorities who do the answering. Ever since the dollar payments deficit became troublesome the critical question has been: "Why do we play our dollars hand from weakness?" And the standard response is: "Because the European central bankers think we should."

NOT CHAMPION'S WAY

But no champion with a winner's instinct ever plays according to the rules laid down by the challenger. Whenever a great power with a position of primacy to defend allows itself to be bullied into appeasement of ultimata from countries seeking a bargaining advantage against it, the balance of power is sure to change—adversely for the country in our present position.

Looking back on what Russia has accomplished for herself since Lenin worried how many days the Bolsheviki might hang on to power, there's no doubt that the Moscow success story has not followed a script written for the Kremlin by our side. There's no doubt either that Red China's drive to go Russia one better is based on a hard and shrewd calculation on what is good for China—not what will please or placate her foreign critics.

Nor is it as if our European critics had disciplined themselves to practice the good economic housekeeping they preach at us. Take the case of coal. It certainly gets down to basics. It tells a horror story of uneconomic protectionism in Europe, where inflation is feeding America's inability to sell the one commodity that it is in Europe's interest to buy. If we took less guff from Europe, and she took more coal from us, things would be going better on both sides of the Atlantic; and there would be less inflation on each side.

WEST GERMANY LEADS

West Germany is the most productive country in Europe, and the richest—despite her wasteful coal protectionism. America's "new" economy may now run on the motive power supplied by consumer expenditures on holiday travel, color TV and false hairpieces. But in West Germany, more than ever, the economy goes as steel goes. And, right now, it's not going nearly as well as all the European lecturing of America for alleged inflationary malpractice suggests. Only last month, for example, the head of West Germany's No. 1 steel mill warned: "If a political decision to help us is not made, we will have no alternative but to produce our steel in another country."

The specific provocation which brought forth this bombshell is a long-standing political decision which hurts the German steel industry without, however, helping the protected German coal industry: It remains hopelessly uncompetitive, burdened with unmarketable surpluses and tying up labor badly needed elsewhere. Official import restrictions limit the sale of American coal to 5 million tons a year. But unofficial restrictions bar it from crossing into the steel-producing districts, which are stuck with the high-cost, otherwise unsalable native product: Hence the grievance and the threat.

SAVINGS ON COAL

American coal can be laid down alongside German steel mills at savings of $7–$8 a ton (after allowing for the cost of ocean freight, which eats up $2.50 a ton of the savings). Thus, if Bonn merely doubled her American coal import quota, her steel mills would save some $40 million a year in coal costs, which our coal industry would earn; and West Germany and America together would generate earnings of upwards of $10 million a year for the countries from which we buy shipping and to which we both sell goods.

There may be a working—and a workable—answer here to the President's rhetorical question: "What would you do?" Tell Europe's central bankers that our coal can do more to fight inflation in their back yards than their self-serving advice can do to fight it on our front door.

Mr. LONG of Missouri. 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.

PROPOSED INCREASE IN TEMPORARY DEBT LIMIT

Mr. TOWER. Mr. President, I am opposed to H.R. 15202 which would increase the temporary limit on the public debt.

As a partial result of many of our domestic low-priority programs, Mr. President, this country is faced with an expenditure budget of more than $118 billion for fiscal 1967—representing a $35 billion increase in Federal spending since fiscal 1961. Less than one-third of this increase can be attributed to the war in Vietnam. Americans from every State, including those of my own home State with whom I have visited in recent weeks, have told me about something that costs them more than it used to—food, clothing, services, medicine, as well as interest, the highest in 37 years. This situation has been characterized as only crawling inflation, but I say, Mr. President, that whether it is crawling inflation, galloping inflation, limping inflation, or ambling inflation, it is still inflation and it should be limited. Cost-of-living increases in the past few months have been the greatest in 15 years. All Americans, young and old, have been touched by and penalized by inflation. It is time inflation was brought under control.

The lessons of history tell us that every major modern inflationary trend has been aggravated by excessive Government spending. It is a matter of grave concern to me that continual Federal deficit spending and continuing fiscal irresponsibility have operated to drive the cost of living ever upward. Unwise Government policies are thus evident in their request that the debt limit of the already mammoth-sized public debt be further increased.

Mr. President, the plain fact is that in the face of war and inflation we should be reducing our domestic spending or placing responsible priorities on its spending. Our policy of "going now, paying later," has brought about the largest debt in our Nation's history—a whopping $324 billion. The interest alone costs American taxpayers $22,000 a minute; $11 billion a year. Inflation, itself, is the most cruel, unjust form of taxation, hitting hardest the poor, the elderly, and others on fixed incomes. Mr. President, I suggest that a true "war on poverty might be waged by reducing spending, paying off the national debt,

and leaving in the pocketbooks and paychecks of American citizens more money of their own in which to spend as they so choose.

Whether in a time of war or in a time of peace, planned Federal expenditures could and should be reduced without impairing essential functions. Constructive reductions should be made and the budget should be balanced, and we could start reducing the debt limit toward the permanent ceiling, instead of continually raising it. Although a deficit of less than $2 billion for fiscal 1967 is forecast, such optimistic reports are largely based on budgetary changes in bookkeeping methods.

Mr. President, as frustrating as the annual debt limit exercise has been it has served a worthwhile purpose. Such a debt limit focuses attention on Government spending. Moreover, it spotlights the fact that our spending policies that have resulted in a rising deficit in our balance of payments, threatened our international monetary stability, furthered the drain of our gold reserves, and presented a serious problem in debt management.

The housewife has been asked to cut down on purchases, the public urged to step up Government bond buying, and business urged to cut back on expenditures for plant expansion. I say here and now, that restraint in spending is a deed that ought to be practiced as well as by our Government.

We must face up to the precariousness of our present financial situation. Certainly steps must be taken to meet this country's serious inflationary surge. Since there is no indication that the administration is ready or willing to do so, I urge my colleagues in both parties to represent the wishes of the American people and stop insidious inflation, and halt spurious spending. A vote against raising the public debt limit is a vote for sound fiscal policy—a vote to reestablish responsible budgeting, and a vote for a freer, more equitable economy.

ADMINISTRATION OF JUSTICE—MIRANDA AGAINST ARIZONA

Mr. MORSE. Mr. President, before I turn to the prepared speech that I shall make on the subject of the proposed raid on the protected green strips in our national forests, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks the majority and minority opinions handed down by the Supreme Court on Monday of this week in the case of Miranda against Arizona.

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

SUPREME COURT OF THE UNITED STATES—Nos. 759, 760, 761 AND 584.—OCTOBER TERM, 1965.

Ernesto A. Miranda, Petitioner, 759 *v.* State or Arizona. On Writ of Certiorari to the Supreme Court of the State of Arizona.

Michael Vignera, Petitioner, 760 *v.* State of New York. On Writ of Certiorari to the Court of Appeals of the State of New York.

Carl Calvin Westover, Petitioner, 761 *v.* United States. On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

State of California, Petitioner, 584 *v.* Roy Allen Stewart. On Writ of Certiorari to the Supreme Court of the State of California.

[June 13, 1966.]

MR. CHIEF JUSTICE WARREN delivered the opinion of the Court.

The cases before us raise questions which go to the roots of our concepts of American criminal jurisprudence: the restraints society must observe consistent with the Federal Constitution in prosecuting individuals for crime. More specifically, we deal with the admissibility of statements obtained from an individual who is subjected to custodial police interrogation and the necessity for procedures which assure that the individual is accorded his privilege under the Fifth Amendment to the Constitution not to be compelled to incriminate himself.

We dealt with certain phases of this problem recently in *Escobedo* v. *Illinois*, 378 U.S. 478 (1964). There, as in the four cases before us, law enforcement officials took the defendant into custody and interrogated him in a police station for the purpose of obtaining a confession. The police did not effectively advise him of his right to remain silent or of his right to consult with his attorney. Rather, they confronted him with an alleged accomplice who accused him of having perpetrated a murder. When the defendant denied the accusation and said "I didn't shoot Manuel, you did it," they handcuffed him and took him to an interrogation room. There, while handcuffed and standing, he was questioned for four hours until he confessed. During this interrogation, the police denied his request to speak to his attorney, and they prevented his retained attorney, who had come to the police station, from consulting with him. At his trial, the State, over his objection, introduced the confession against him. We held that the statements thus made were constitutionally inadmissible.

This case has been the subject of judicial interpretation and spirited legal debate since it was decided two years ago. Both state and federal courts, in assessing its implications, have arrived at varying conclusions.[1] A wealth of scholarly material has been written tracing its ramifications and underpinnings.[2] Police and prosecutor have speculated on its range and desirability.[3] We granted certiorari in these cases, 382 U.S. 924, 925, 937, in order further to explore some facets of the problems, thus exposed, of applying the privilege against self-incrimination to in-custody interrogation, and to give concrete constitutional guidelines for law enforcement agencies and courts to follow.

We start here, as we did in *Escobedo*, with the premise that our holding is not an innovation in our jurisprudence, but is an application of principles long recognized and applied in other settings. We have undertaken a thorough re-examination of the *Escobedo* decision and the principles it announced, and we reaffirm it. That case was but an explication of basic rights that are enshrined in our Constitution—that "No person . . . shall be compelled in any criminal case to be a witness against himself," and that "the accused shall . . . have the Assistance of Counsel"—rights which were put in jeopardy in that case through official overbearing. These precious rights were fixed in our Constitution only after centuries of persecution and struggle. And in the words of Chief Justice Marshall, they were secured "for ages to come and . . . designed to approach immortality as nearly as human institutions can approach it," *Cohens* v. *Virginia*, 6 Wheat. 264, 387 (1821).

Over 70 years ago, our predecessors on this Court eloquently stated:

"The maxim *nemo tenetur seipsum accusare* had its origin in a protest against the inquisitorial and manifestly unjust methods of interrogating accused persons, which has long obtained in the continental system, and, until the expulsion of the Stuarts from the British throne in 1688, and the erection of additional barriers for the protection of the people against the exercise of arbitrary power, was not uncommon even in England. While the admissions or confessions of the prisoner, when voluntarily and freely made, have always ranked high in the scale of incriminating evidence, if an accused person be asked to explain his apparent connection with a crime under investigation, the ease with which the questions put to him may assume an inquisitorial character, the temptation to press the witness unduly, to browbeat him if he be timid or reluctant, to push him into a corner, and to entrap him into fatal contradictions, which is so painfully evidenced in many of these earlier state trials, notably in those of Sir Nicholas Throckmorton, and Udal, the Puritan minister, made the system

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[1] Compare *United States* v. *Childress*, 347 F. 2d 448 (C. A. 7th Cir. 1965) with *Collins* v. *Beto*, 348 F. 2d 823 (C. A. 5th Cir. 1965). Compare *People* v. *Dorado*, 62 Cal. 2d 350, 398 P. 2d 361, 42 Cal. Rptr. 169 (1964) with *People* v. *Hartgraves*, 31 Ill. 2d 375, 202 N. E. 2d 33 (1964).

[2] See, *e. g.*, Enker and Elsen, Counsel for the Suspect: *Massiah* v. *United States* and *Escobedo* v. *Illinois*, 49 Minn. L. Rev. 47 (1964); Herman, The Supreme Court and Restrictions on Police Interrogations, 25 Ohio St. L. J. 449 (1964); Kamisar, Equal Justice in the Gatehouses and Mansions of American Criminal Procedure, in Criminal Justice in Our Time (1965); Dowling, Escobedo and Beyond: The Need for a Fourteenth Amendment Code of Criminal Procedure, 56 J. Crim. L., C. & P. S. 156 (1965).

The complex problems also prompted discussions by jurists. Compare Bazelon, Law, Morality and Civil Liberties, 12 U. C. L. A. L. Rev. 13 (1964), with Friendly, The Bill of Rights as a Code of Criminal Procedure, 53 Calif. L. Rev. 929 (1965).

[3] For example, the Los Angeles Police Chief stated that "If the police are required . . . to . . . establish that the defendant was apprised of his constitutional guarantees of silence and legal counsel prior to the uttering of any admission or confession, and that he intelligently waived these guarantees . . . a whole Pandora's box is opened as to under what circumstances . . . can a defendant intelligently waive these rights. . . . Allegations that modern criminal investigation can compensate for the lack of a confession or admission in every criminal case is totally absurd!" Parker, 40 L. A. Bar. Bull. 603, 607, 642 (1965). His prosecutorial counterpart, District Attorney Younger, stated that "[I]t begins to appear that many of these seemingly restrictive decisions are going to contribute directly to a more effective, efficient and professional level of law enforcement." L. A. Times, Oct. 2, 1965, p. 1. The former Police Commissioner of New York, Michael J. Murphy, stated of *Escobedo;* "What the Court is doing is akin to requiring one boxer to fight by Marquis of Queensbury rules while permitting the other to butt, gouge and bite." N. Y. Times, May 14, 1965, p. 39. The former United States Attorney for the District of Columbia, David C. Acheson, who is presently Special Assistant to the Secretary of the Treasury (for Enforcement), and directly in charge of the Secret Service and the Bureau of Narcotics, observed that "Prosecution procedure has, at most, only the most remote causal connection with crime. Changes in court decisions and prosecution procedure would have about the same effect on the crime rate as an aspirin would have on a tumor of the brain." Quoted in Herman, *supra*, n. 2, at 500, n. 270. Other views on the subject in general are collected in Weisberg, Police Interrogation of Arrested Persons: A Skeptical View, 52 J. Crim. L., C. & P. S., 21 (1961).

so odious as to give rise to a demand for its total abolition. The change in the English criminal procedure in that particular seems to be founded upon no statute and no judicial opinion, but upon a general and silent acquiescence of the courts in a popular demand. But, however adopted, it has become firmly embedded in English, as well as in American jurisprudence. So deeply did the inequities of the ancient system impress themselves upon the minds of the American colonists that the States, with one accord, made a denial of the right to question an accused person, a part of their fundamental law, so that a maxim, which in England was a mere rule of evidence, became clothed in this country with the impregnability of a constitutional enactment." *Brown* v. *Walker*, 161 U.S. 591, 596–597 (1896).

In stating the obligation of the judiciary to apply these constitutional rights, this Court declared in *Weems* v. *United States*, 217 U.S. 349, 373 (1910):

". . . our contemplation cannot be only what has been but of what may be. Under any other rule a constitution would indeed be as easy of application as it would be deficient in efficacy and power. Its general principles would have little value and be converted by precedent into impotent and lifeless formulas. Rights declared in words might be lost in reality. And this has been recognized. The meaning and vitality of the Constitution have developed against narrow and restrictive construction."

This was the spirit in which we delineated, in meaningful language, the manner in which the constitutional rights of the individual could be enforced against overzealous police practices. It was necessary in *Escobedo*, as here, to insure that what was proclaimed in the Constitution had not become but a "form of words," *Silverthorne Lumber Co.* v. *United States*, 251 U.S. 385, 392 (1920), in the hands of government officials. And it is in this spirit, consistent with our role as judges, that we adhere to the principles of *Escobedo* today.

Our holding will be spelled out with some specificity in the pages which follow but briefly stated it is this: the prosecution may not use statements, whether exculpatory or inculpatory, stemming from custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination. By custodial interrogation, we mean questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way.[4] As for the procedural safeguards to be employed, unless other fully effective means are devised to inform accused persons of their right of silence and to assure a continuous opportunity to exercise it, the following measures are required. Prior to any questioning, the person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed. The defendant may waive effectuation of these rights, provided the waiver is made voluntarily, knowingly and intelligently. If, however, he indicates in any manner and at any stage of the process that he wishes to consult with an attorney before speaking there can be no questioning. Likewise, if the individual is alone and indicates in any manner that he does not wish to be interrogated, the police may not question him. The mere fact that he may have answered some questions or volunteered some statements on his own does not deprive him of the right to refrain from answering any further inquiries until he has consulted with an attorney and thereafter consents to be questioned.

I

The constitutional issue we decide in each of these cases is the admissibility of statements obtained from a defendant questioned while in custody and deprived of his freedom of action. In each, the defendant was questioned by police officers, detectives, or a prosecuting attorney in a room in which he was cut off from the outside world. In none of these cases was the defendant given a full and effective warning of his rights at the outset of the interrogation process. In all the cases, the questioning elicited oral admissions, and in three of them, signed statements as well which were admitted at their trials. They all thus share salient features—incommunicado interrogation of individuals in a police-dominated atmosphere, resulting in self-incriminating statements without full warnings of constitutional rights.

An understanding of the nature and setting of this in-custody interrogation is essential to our decisions today. The difficulty in depicting what transpires at such interrogations stems from the fact that in this country they have largely taken place incommunicado. From extensive factual studies undertaken in the early 1930's, including the famous Wickersham Report to Congress by a Presidential Commission, it is clear that police violence and the "third degree" flourished at that time.[5] In a series of cases decided by this Court long after these studies, the police resorted to physical brutality—beatings, hanging, whipping—and to sustained and protracted questioning incommunicado in order to extort confessions.[6] The 1961 Commission on Civil Rights found much evidence to indicate that "some policemen still resort to physical force to obtain confessions," 1961 Comm'n on Civil Rights Rep., Justice, pt. 5, 17. The use of physical brutality and violence is not, unfortunately, relegated to the past or to any part of the country. Only recently in Kings County, New York, the police brutally beat, kicked and placed lighted cigarette butts on the back of a potential witness under interrogation for the purpose of securing a statement incriminating a third party. *People* v. *Portelli*, 15 N. Y. 2d 235, 205 N. E. 2d 857, 257 N. Y. S. 2d 931 (1965).[7]

The examples given above are undoubtedly the exception now, but they are sufficiently widespread to be the object of concern. Unless a proper limitation upon custodial interrogation is achieved—such as these decisions will advance—there can be no assurance that practices of this nature will be eradicated in the foreseeable future. The conclusion of the Wickersham Commission Report, made over 30 years ago, is still pertinent:

"To the contention that the third degree is necessary to get the facts, the reporters aptly reply in the language of the present Lord Chancellor of England (Lord Sankey): 'It is not admissible to do a great right by doing a little wrong. . . . It is not sufficient to do justice by obtaining a proper result by irregular or improper means.' Not only does the use of the third degree involve a flagrant violation of law by the officers of the law, but it involves also the dangers of false confessions, and it tends to make police and prosecutors less zealous in the search for objective evidence. As the New York prosecutor quoted in the report said, 'It is a short cut and makes the police lazy and unenterprising.' Or, as another official quoted remarked: 'If you use your fists, you are not so likely to use your wits.' We agree with the conclusion expressed in the report, that 'The third degree brutalizes the police, hardens the prisoner against society, and lowers the esteem in which the administration of justice is held by the public.'" IV National Commission on Law Observance and Enforcement, Report on Lawlessness in Law Enforcement (1931), 5.

Again we stress that the modern practice of in-custody interrogation is psychologically rather than physically oriented. As we have stated before, "Since *Chambers* v. *Florida*, 309 U.S. 227, this Court has recognized that coercion can be mental as well as physical, and that the blood of the accused is not the only hallmark of an unconstitutional inquisition." *Blackburn* v. *Alabama*, 361 U.S. 199, 206 (1960). Interrogation still takes place in privacy. Privacy results in secrecy and this in turn results in a gap in our knowledge as to what in fact goes on in the interrogation rooms. A valuable source of information about present police practices, however, may be found in various police manuals and texts which document procedures employed with success in the past, and which recommend various other effective tactics.[8] These

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[4] This is what we meant in *Escobedo* when we spoke of an investigation which had focused on an accused.

[5] See, for example, IV National Commission on Law Observance and Enforcement, Report on Lawlessness in Law Enforcement (1931) [Wickersham Report]; Booth, Confessions and Methods Employed in Procuring Them, 4 So. Calif. L. Rev. 83 (1930); Kauper, Judicial Examination of the Accused—A Remedy for the Third Degree, 30 Mich L. Rev. 1224 (1932). It is significant that instances of third-degree treatment of prisoners almost invariably took place during the period between arrest and preliminary examination. Wickersham Report, at 169; Hall, The Law of Arrest in Relation to Contemporary Social Problems, 3 U. Chi. L. Rev. 345, 357 (1936). See also Foote, Law and Police Practice: Safeguards in the Law of Arrest, 52 Nw. U. L. Rev. 16 (1957).

[6] *Brown* v. *Mississippi*, 297 U.S. 278 (1936); *Chambers* v. *Florida*, 309 U.S. 227 (1940); *Canty* v. *Alabama*, 309 U.S. 629 (1940); *White* v. *Texas*, 310 U.S. 530 (1940); *Vernon* v. *Alabama*, 313 U.S. 547 (1941); *Ward* v. *Texas*, 316 U.S. 547 (1942); *Ashcraft* v. *Tennessee*, 322 U.S. 143 (1944); *Malinski* v. *New York*, 324 U.S. 401 (1945); *Leyra* v. *Denno*, 347 U.S. 556 (1954). See also *Williams* v. *United States*, 341 U.S. 97 (1951).

[7] In addition, see *People* v. *Wakat*, 415 Ill. 610, 114 N. E. 2d 706 (1953); *Wakat* v. *Harlib*, 253 F. 2d 59 (C. A. 7th Cir. 1958) (defendant suffering from broken bones, multiple bruises and injuries sufficiently serious to require eight months' medical treatment after being manhandled by five policemen); *Kier* v. *State*, 213 Md. 556, 132 A. 2d 494 (1957) (police doctor told accused, who was strapped to a chair completely nude, that he proposed to take hair and skin scrapings from anything that looked like blood or sperm from various parts of his body); *Bruner* v. *People*, 113 Col. 194, 156 P. 2d 111 (1945) (defendant held in custody over two months deprived of food for 15 hours, forced to submit to a lie detector test when he wanted to go to the toilet); *People* v. *Matlock*, 51 Cal. 2d 682, 336 P. 2d 505 (1959) (defendant questioned incessantly over an evening's time, made to lie on cold board and to answer questions whenever it appeared he was getting sleepy). Other cases are documented in American Civil Liberties Union, Illinois Division, Secret Detention by the Chicago Police (1959); Pott, The Preliminary Examination and "The Third Degree," 2 Baylor L. Rev. 131 (1950); Sterling, Police Interrogation and the Psychology of Confession, 14 J. Pub. L. 25 (1965).

[8] The manuals quoted in the text following are the most recent and representative of the texts currently available. Material of the same nature appears in Kidd, Police Interrogation (1940); Mulbar, Interrogation (1951); Dienstein, Technics for the Crime Investigator (1952), 97–115. Studies concerning the observed practices of the police appear in LaFave, Arrest: The Decision To Take a Suspect Into Custody (1965), 244–437, 490–521; LaFave, Detention for Investigation by the Police: An Analysis of Current Practices, 1962 Wash. U. L. Q. 331; Barrett,

texts are used by law enforcement agencies themselves as guides.[9] It should be noted that these texts professedly present the most enlightened and effective means presently used to obtain statements through custodial interrogation. By considering these texts and other data, it is possible to describe procedures observed and noted around the country.

The officers are told by the manuals that the "principal psychological factor contributing to a successful interrogation is *privacy*—being alone with the person under interrogation." [10] The efficacy of this tactic has been explained as follows:

"If at all practicable, the interrogation should take place in the investigator's office or at least in a room of his own choice. The subject should be deprived of every psychological advantage. In his own home he may be confident, indignant, or recalcitrant. He is more keenly aware of his rights and more reluctant to tell of his indiscretions of criminal behavior within the walls of his own home. Moreover his family and other friends are nearby, their presence lending moral support. In his own office, the investigator possesses all the advantages. The atmosphere suggests the invincibility of the forces of the law." [11]

To highlight the isolation and unfamiliar surroundings the manuals instruct the police to display an air of confidence in the suspect's guilt and from outward appearance to maintain only an interest in confirming certain details. The guilt of the subject is to be posited as a fact. The interrogater should direct his comments toward the reasons why the subject committed the act, rather than to court failure by asking the subject whether he did it. Like other men, perhaps the subject has had a bad family life, had an unhappy childhood, had too much to drink, had an unrequited attraction to women. The officers are instructed to minimize the moral seriousness of the offense,[12] to cast blame on the victim or on society.[13] These tactics are designed to put the subject in a psychological state where his story is but an elaboration of what the police purport to know already—that he is guilty. Explanations to the contrary are dismissed and discouraged.

The texts thus stress that the major qualities an interrogater should possess are patience and perseverance. One writer describes the efficacy of these characteristics in this manner:

"In the preceding paragraphs emphasis has been placed on kindness and stratagems. The investigator will, however, encounter many situations where the sheer weight of his personality will be the deciding factor. Where emotional appeals and tricks are employed to no avail, he must rely on an oppressive atmosphere of dogged persistence. He must interrogate steadily and without relent, leaving the subject no prospect of surcease. He must dominate his subject and overwhelm him with his inexorable will to obtain the truth. He should interrogate for a spell of several hours pausing only for the subject's necessities in acknowledgment of the need to avoid a charge of duress that can be technically substantiated. In a serious case, the interrogation may continue for days, with the required intervals for food and sleep, but with no respite from the atmosphere of domination. It is possible in this way to induce the subject to talk without resorting to duress or coercion. This method should be used only when the guilt of the subject appears highly probable." [14]

The manuals suggest that the suspect be offered legal excuses for his actions in order to obtain an initial admission of guilt. Where there is a suspected revenge-killing, for example, the interrogator may say:

"Joe, you probably didn't go out looking for this fellow with the purpose of shooting him. My guess is, however, that you expected something from him and that's why you carried a gun—for your own protection. You knew him for what he was, no good. Then when you met him he probably started using foul, abusive language and he gave some indication that he was about to pull a gun on you, and that's when you had to act to save your own life. That's about it, isn't it, Joe?" [15]

Having then obtained the admission of shooting, the interrogator is advised to refer to circumstantial evidence which negates the self-defense explanation. This should enable him to secure the entire story. One text notes that "Even if he fails to do so, the inconsistency between the subject's original denial of the shooting and his present admission of at least doing the shooting will serve to deprive him of a self-defense 'out' at the time of trial." [16]

When the techniques described above prove unavailing, the texts recommend they be alternated with a show of some hostility. One ploy often used has been termed the "friendly-unfriendly" or the "Mutt and Jeff" act:

". . . In this technique, two agents are employed, Mutt, the relentless investigator, who knows the subject is guilty and is not going to waste any time. He's sent a dozen men away for this crime and he's going to send the subject away for the full term. Jeff, on the other hand, is obviously a kind-hearted man. He has a family himself. He has a brother who was involved in a little scrape like this. He disapproves of Mutt and his tactics and will arrange to get him off the case if the subject will cooperate. He can't hold Mutt off for very long. The subject would be wise to make a quick decision. The technique is applied by having both investigators present while Mutt acts out his role. Jeff may stand by quietly and demur at some of Mutt's tactics. When Jeff makes his plea for cooperation, Mutt is not present in the room." [17]

The interrogators sometimes are instructed to induce a confession out of trickery. The technique here is quite effective in crimes which require identification or which run in series. In the identification situation, the interrogator may take a break in his questioning to place the subject among a group of men in a line-up. "The witness or complainant (previously coached, if necessary) studies the line-up and confidently points out the subject as the guilty party." [18] Then the questioning resumes "as though there were now no doubt about the guilt of the subject." A variation on this technique is called the "reverse line-up":

"The accused is placed in a line-up, but this time he is identified by several fictitious witnesses or victims who associated him with different offenses. It is expected that the subject will become desperate and confess to the offense under investigation in order to escape from the false accusations." [19]

The manuals also contain instructions for police on how to handle the individual who refuses to discuss the matter entirely, or who asks for an attorney or relatives. The examiner is to concede him the right to remain silent. "This usually has a very undermining effect. First of all, he is disappointed in his expectation of an unfavorable reaction on the part of the interrogator. Secondly, a concession of this right to remain silent impresses the subject with the apparent fairness of his interrogator." [20] After this psychological conditioning, however, the officer is told to point out the incriminating significance of the suspect's refusal to talk:

"Joe, you have a right to remain silent. That's your privilege and I'm the last person in the world who'll try to take it away from you. If that's the way you want to leave this, O.K. But let me ask you this. Suppose you were in my shoes and I were in yours and you called me in to ask me about this and I told you, 'I don't want to answer any of your questions.' You'd think I had something to hide, and you'd probably be right in thinking that. That's exactly what I'll have to think about you, and so will everybody else. So let's sit here and talk this whole thing over." [21]

Few will persist in their initial refusals to talk, it is said, if this monologue is employed correctly.

In the event that the subject wishes to speak to a relative or an attorney, the following advice is tendered:

"[T]he interrogator should respond by suggesting the subject first tell the truth to the interrogator himself rather than get anyone else involved in the matter. If the request is for an attorney, the interrogator may suggest that the subject save himself or his family the expense of any such professional service, particularly if he is in-

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Police Practices and the Law—From Arrest to Release or Charge, 50 Calif L. Rev. 11 (1962); Sterling, *supra*, n. 7, at 47–65.

[9] The methods described in Inbau and Reid, Criminal Interrogation and Confessions (1962), are a revision and enlargement of material presented in three prior editions of a predecessor text, Lie Detection and Criminal Interrogation (3d ed. 1953). The authors and their associates are officers of the Chicago Police Scientific Crime Detection Laboratory and have had extensive experience in writing, lecturing and speaking to law enforcement authorities over a 20-year period. They say that the techniques portrayed in their manuals reflect their experiences and are the most effective psychological stratagems to employ during interrogations. Similarly, the techniques described in O'Hara, Fundamentals of Criminal Investigation (1959), were gleaned from long service as observer, lecturer in police science, and work as a federal criminal investigator. All these texts have had rather extensive use among law enforcement agencies and among students of police science, with total sales and circulation of over 44,000.

[10] Inbau and Reid, *supra*, at 1.

[11] O'Hara, *supra*, at 99.

[12] Inbau and Reid, *supra*, at 34–43, 87. For example, in *Leyra* v. *Denno*, 347 U.S. 556 (1954), the interrogator-psychiatrist told the accused, "We do sometimes things that are not right, but in a fit of temper or anger we sometimes do things we aren't really responsible for," *id.*, at 562, and again, "We know that morally you were just in anger. Morally, you are not to be condemned," *id.*, at 582.

[13] Inbau and Reid, *supra*, at 43–55.

[14] O'Hara, *supra*, at 112.

[15] Inbau and Reid, *supra*, at 40.

[16] *Ibid.*

[17] O'Hara, *supra*, at 104 Inbau and Reid, *supra*, at 58–59. See *Spano* v. *New York*, 360 U.S. 315 (1959). A variant on the technique of creating hostility is one of engendering fear. This is perhaps best described by the prosecuting attorney in *Malinski* v. *New York*,, 324 U.S. 401, 407, (1945): "Why all this talk about being undressed? Of course, they had a right to undress him to look for bullet scars, and keep the clothes off him. That was quite proper police procedure. That is some more psychology—let him sit around with a blanket on him, humiliate him there for a while; let him sit in the corner, let him think he is going to get a shellacking."

[18] O'Hara, *supra*, at 105–106.

[19] *Id.*, at 106.

[20] Inbau and Reid, *supra*, at 111.

[21] *Ibid.*

nocent of the offense under investigation. The interrogator may also add, 'Joe, I'm only looking for the truth, and if you're telling the truth, that's it. You can handle this by yourself.' "[22]

From these representative samples of interrogation techniques, the setting prescribed by the manuals and observed in practice becomes clear. In essence, it is this: To be alone with the subject is essential to prevent distraction and to deprive him of any outside support. The aura of confidence in his guilt undermines his will to resist. He merely confirms the preconceived story the police seek to have him describe. Patience and persistence, at times relentless questioning, are employed. To obtain a confession, the interrogator must "patiently maneuver himself or his quarry into a position from which the desired object may be obtained."[23] When normal procedures fail to produce the needed result, the police may resort to deceptive stratagems such as giving false legal advice. It is important to keep the subject off balance, for example, by trading on his insecurity about himself or his surroundings. The police then persuade, trick, or cajole him out of exercising his constitutional rights.

Even without employing brutality, the "third degree" or the specific stratagems described above, the very fact of custodial interrogation exacts a heavy toll on individual liberty and trades on the weakness of individuals.[24] This fact may be illustrated simply by referring to three confession cases decided by this Court in the Term immediately preceding our *Escobedo* decision. In *Townsend* v. *Sain*, 372 U.S. 293 (1963), the defendant was a 19-year-old heroin addict, described as a "near mental defective," *id.*, at 307–310. The defendant in *Lynumn* v. *Illinois*, 372 U.S. 528 (1963), was a woman who confesed to the arresting officer after being importuned to "cooperate" in order to prevent her children from being taken by relief authorities. This Court similarly reversed the conviction of a defendant in *Haynes* v. *Washington*, 373 U.S. 503 (1963), whose persistent request during his interrogation was to phone his wife or attorney.[25] In other settings, these individuals might have exercised their constitutional rights. In the incommunicado police-dominated atmosphere, they succumbed.

In the cases before us today, given this background, we concern ourselves primarily with this interrogation atmosphere and the evils it can bring. In No. 759, *Miranda* v. *Arizona*, the police arrested the defendant and took him to a special interrogation room where they secured a confession. In No. 760, *Vignera* v. *New York*, the defendant made oral admissions to the police after interrogation in the afternoon, and then signed an inculpatory statement upon being questioned by an assistant district attorney later the same evening. In No. 761, *Westover* v. *United States*, the defendant was handed over to the Federal Bureau of Investigation by local authorities after they had detained and interrogated him for a lengthy period, both at night and the following morning. After some two hours of questioning, the federal officers had obtained signed statements from the defendant. Lastly, in No. 584, *California* v. *Stewart*, the local police held the defendant five days in the station and interrogated him on nine separate occasions before they secured his inculpatory statement.

In these cases, we might not find the defendants' statements to have been involuntary in traditional terms. Our concern for adequate safeguards to protect precious Fifth Amendment rights is, of course, not lessened in the slightest. In each of the cases, the defendant was thrust into an unfamiliar atmosphere and run through menacing police interrogation procedures. The potentiality for compulsion is forcefully apparent, for example, in *Miranda*, where the indigent Mexican defendant was a seriously disturbed individual with pronounced sexual fantasies, and in *Stewart*, in which the defendant was an indigent Los Angeles Negro who had dropped out of school in the sixth grade. To be sure, the records do not evince overt physical coercion or patented psychological ploys. The fact remains that in none of these cases did the officers undertake to afford appropriate safeguards at the outset of the interrogation to insure that the statements were truly the product of free choice.

It is obvious that such an interrogation environment is created for no purpose other than to subjugate the individual to the will of his examiner. This atmosphere carries its own badge of intimidation. To be sure, this is not physical intimidation, but it is equally destructive of human dignity.[26] The current practice of incommunicado interrogation is at odds with one of our Nation's most cherished principles—that the individual may not be compelled to incriminate himself. Unless adequate protective devices are employed to dispel the compulsion inherent in custodial surroundings, no statement obtained from the defendant can truly be the product of his free choice.

From the foregoing, we can readily perceive an intimate connection between the privilege against self-incrimination and police custodial questioning. It is fitting to turn to history and precedent underlying the Self-Incrimination Clause to determine its applicability in this situation.

II

We sometimes forget how long it has taken to establish the privilege against self-incrimination, the sources from which it came and the fervor with which it was defended. Its roots go back into ancient times.[27] Perhaps the critical historical event shedding light on its origins and evolution was the trial of one John Lilburn, a vocal anti-Stuart Leveller, who was made to take the Star Chamber Oath in 1637. The oath would have bound him to answer to all questions posed to him on any subject. The Trial of John Lilburn and John Wharton, 3 How. St. Tr. 1315 (1637–1645). He resisted the oath and declaimed the proceedings, stating:

"Another fundamental right I then contended for, was, that no man's conscience ought to be racked by oaths imposed, to answer to questions concerning himself in matters criminal, or pretended to be so." Heller and Davies, The Leveller Tracts 1647–1653 (1944), 454.

On account of the Lilburn Trial, Parliament abolished the inquisitorial Court of Star Chamber and went further in giving him generous reparation. The lofty principles to which Lilburn had appealed during his trial gained popular acceptance in England.[28] These sentiments worked their way over to the Colonies and were implanted after great struggle into the Bills of Rights.[29] Those who framed our Constitution and the Bill of Rights were ever aware of subtle encroachments on individual liberty. They knew that "illegitimate and unconstitutional practices get their first footing . . . by silent approaches and slight deviations from legal modes of procedure." *Boyd* v. *United States*, 116 U. S. 616, 635 (1886). The privilege was elevated to constitutional status and has always been "as broad as the mischief against which it seeks to guard." *Counselman* v. *Hitchcock*, 142 U. S. 547, 562 (1892). We cannot depart from this noble heritage.

Thus we may view the historical development of the privilege as one which groped for the proper scope of governmental power over the citizen. As a "noble principle often transcends its origins," the privilege has come rightfully to be recognized in part as an individual's substantive right, a "right to a private enclave where he may lead a private life. That right is the hallmark of our democracy." *United States* v. *Grunewald*, 233 F. 2d 556, 579, 581–582 (Frank J., dissenting), rev'd 353 U. S. 391 (1957). We have recently noted that the privilege against self-incrimination—the essential mainstay of our adversary system—is founded on a complex of values, *Murphy* v. *Waterfront*

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[22] Inbau and Reid, *supra*, at 112.

[23] Inbau and Reid, Lie Detection and Criminal Interrogation (3d ed. 1953), 185.

[24] Interrogation procedures may even give rise to a false confession. The most recent conspicuous example occurred in New York in 1964 when a Negro of limited intelligence confessed to two brutal murders and a rape which he had not committed. When this was discovered, the prosecutor was reported as saying: "Call it what you want—brainwashing, hypnosis, fright. They made him give an untrue confession. The only thing I don't believe is that Whitmore was beaten." N.Y. Times, Jan. 28, 1965, p. 1, col. 5. In two other instances, similar events had occurred. N.Y. Times, Oct. 20, 1964, p. 22, col. 1; N.Y. Times, Aug. 24, 1965, p. 1, col. 1. In general, see Borchard, Convicting the Innocent (1932); Frank and Frank, Not Guilty (1957).

[25] In the fourth confession case decided by the Court in the 1963 Term, *Fay* v. *Noia*, 372 U. S. 391 (1963), our disposition made it unnecessary to delve at length into the facts. The facts of the defendant's case there, however, paralleled those of his co-defendants, whose confessions were found to have resulted from continuous and coercive interrogation for 27 hours, with denial of requests for friends or attorney. See *United States* v. *Murphy*, 222 F. 2d 698 (C. A. 2d Cir., 1955) (Frank, J.); *People* v. *Bonino*, 1 N. Y. 2d 752, 135 N. E. 2d 51 (1956).

[26] The absurdity of denying that a confession obtained under these circumstances is compelled is aptly portrayed by an example in Professor Sutherland's recent article, Crime and Confession, 79 Harv. L. Rev. 21, 37 (1965):

"Suppose a well-to-do testatrix says she intends to will her property to Elizabeth. John and James want her to bequeath it to them instead. They capture the testatrix, put her in a carefully designed room, out of touch with everyone but themselves and their convenient 'witnesses,' keep her secluded there for hours while they make insistent demands, weary her with contradictions and finally induce her to execute the will in their favor. Assume that John and James are deeply and correctly convinced that Elizabeth is unworthy and will make base use of the property if she gets her hands on it, whereas John and James have the noblest and most righteous intentions. Would any judge of probate accept the will so procured as the 'voluntary' act of the testatrix?"

[27] Thirteenth century commentators found an analogue to the privilege grounded in the Bible. "To sum up the matter, the principle that no man is to be declared guilty on his own admission is a divine decree." Maimonides, Mishneh Torah (Code of Jewish Law), Book of Judges, Laws of the Sanhedrin, c. 18, ¶ 6, 3 Yale Judaica Series 52–53. See also Lamm, The Fifth Amendment and Its Equivalent in the Halakha, 5 Judaism 53 (Winter 1956).

[28] See Morgan, The Privilege Against Self-Incrimination, 34 Minn. L. Rev. 1, 9–11 (1949); 8 Wigmore, Evidence (McNaughton rev., 1961), 289–295. See also Lowell, The Judicial Use of Torture, 11 Harv. L. Rev. 220, 290 (1897).

[29] See Pittman, The Colonial and Constitutional History of the Privilege Against Self-Incrimination in America, 21 Va. L. Rev. 763 (1935); *Ullmann* v. *United States*, 350 U.S. 422, 445–449 (1956) (DOUGLAS, J., dissenting).

Comm'n, 378 U. S. 52, 55–57, n. 5 (1964); *Tehan* v. *Shott*, 382 U. S. 406, 414–415, n. 12 (1966). All these policies point to one overriding thought: the constitutional foundation underlying the privilege is the respect a government—state or federal—must accord to the dignity and integrity of its citizens. To maintain a "fair state-individual balance," to require the government "to shoulder the entire load," 8 Wigmore, Evidence (McNaughton rev., 1961), 317, to respect the inviolability of the human personality, our accusatory system of criminal justice demands that the government seeking to punish an individual produce the evidence against him by its own independent labors, rather than by the cruel, simple expedient of compelling it from his own mouth. *Chambers* v. *Florida*, 309 U. S. 227, 235–238 (1940). In sum, the privilege is fulfilled only when the person is guaranteed the right "to remain silent unless he chooses to speak in the unfettered exercise of his own will." *Malloy* v. *Hogan*, 378 U. S. 1, 8 (1964).

The question in these cases is whether the privilege is fully applicable during a period of custodial interrogation. In this Court, the privilege has consistently been accorded a liberal construction. *Albertson* v. *SACB*, 382 U.S. 70, 81 (1965); *Hoffman* v. *United States*, 341 U.S. 479, 486 (1951); *Arndstein* v. *McCarthy*, 254 U.S. 71, 72–73 (1920); *Counselman* v. *Hitchock*, 142 U.S. 547, 562 (1892). We are satisfied that all the principles embodied in the privilege apply to informal compulsion exerted by law-enforcement officers during in-custody questioning. An individual swept from familiar surroundings into policy custody, surrounded by antagonistic forces, and subjected to the techniques of persuasion described above cannot be otherwise than under compulsion to speak. As a practical matter, the compulsion to speak in the isolated setting of the police station may well be greater than in courts or other official investigations, where there are often impartial observers to guard against intimidation or trickery.[30]

This question, in fact, could have been taken as settled in federal courts almost 70 years ago, when, in *Bram* v. *United States*, 168 U.S. 532, 542 (1897), this Court held:

"In criminal trials, in the courts of the United States, wherever a question arises whether a confession is incompetent because not voluntary, the issue is controlled by that portion of the Fifth Amendment . . . commanding that no person 'shall be compelled in any criminal case to be a witness against himself.' "

In *Bram*, the Court reviewed the British and American history and case law and set down the Fifth Amendment standard for compulsion which we implement today:

"Much of the confusion which has resulted from the effort to deduce from the adjudged cases what would be a sufficient quantum of proof to show that a confession was or was not voluntary, has arisen from a misconception of the subject to which the proof must address itself. The rule is not that in order to render a statement admissible the proof must be adequate to establish that the particular communications contained in a statement were voluntarily made, but it must be sufficient to establish that the making of the statement was voluntary; that is to say, that from the causes, which the law treats as legally sufficient to engender in the mind of the accused hope or fear in respect to the crime charged, the accused was not involuntarily impelled to make a statement, when but for the improper influences he would have remained silent. . . ." 168 U.S., at 549. And see, *id.*, at 542.

The Court has adhered to this reasoning. In 1924, Mr. Justice Brandeis wrote for a unanimous Court in reversing a conviction resting on a compelled confession, *Wan* v. *United States*, 266 U.S. 1 He stated:

"In the federal courts, the requisite of voluntariness is not satisfied by establishing merely that the confession was not induced by a promise or a threat. A confession is voluntary in law if, and only if, it was, in fact, voluntarily made. A confession may have been given voluntarily, although it was made to police officers, while in custody, and in answer to an examination conducted by them. But a confession obtained by compulsion must be excluded whatever may have been the character of the compulsion, and whether the compulsion was applied in a judicial proceeding or otherwise. *Bram* v. *United States*, 168 U.S. 532." 266 U.S., at 14–15.

In addition to the expansive historical development of the privilege and the sound policies which have nurtured its evolution, judicial precedent thus clearly establishes its application to incommunicado interrogation. In fact, the Government concedes this point as well established in No. 761, *Westover* v. *United States*, stating: "We have no doubt . . . that it is possible for a suspect's Fifth Amendment right to be violated during incustody questioning by a law-enforcement officer."[31]

Because of the adoption by Congress of Rule 5(a) of the Federal Rules of Criminal Procedure, and this Court's effectuation of that Rule in *McNabb* v. *United States*, 318 U.S. 332 (1943), and *Mallory* v. *United States*, 354 U.S. 449 (1957), we have had little occasion in the past quarter century to reach the constitutional issues in dealing with federal interrogations. These supervisory rules, requiring production of an arrested person before a commissioner "without unnecessary delay" and excluding evidence obtained in default of that statutory obligation, were nonetheless responsive to the same considerations of Fifth Amendment policy that unavoidably face us now as to the States. In *McNabb*, 318 U.S., at 343–344, and in *Mallory*, 354 U.S., at 455–456, we recognized both the dangers of interrogation and the appropriateness of prophylaxis stemming from the very fact of interrogation itself.[32]

Our decision in *Malloy* v. *Hogan*, 378 U.S. 1 (1964), necessitates an examination of the scope of the privilege in state cases as well. In *Malloy*, we squarely held the privilege applicable to the States, and held that the substantive standards underlying the privilege applied with full force to state court proceedings. There, as in *Murphy* v. *Waterfront Comm'n*, 378 U.S. 52 (1964), and *Griffin* v. *California*, 380 U.S. 609 (1965), we applied the existing Fifth Amendment standards to the case before us. Aside from the holding itself, the reasoning in *Malloy* made clear what had already become apparent—that the substantive and procedural safeguards surrounding admissibility of confessions in state cases had become exceedingly exacting, reflecting all the policies embedded in the privilege, 378 U.S., at 7–8.[33] The voluntariness doctrine in the state cases, as *Malloy* indicates, encompasses all interrogation practices which are likely to exert such pressure upon an individual as to disable him from making a free and rational choice.[34] The implications of this proposition were elaborated in our decision in *Escobedo* v. *Illinois*, 378 U.S. 478, decided one week after *Malloy* applied the privilege to the States.

Our holding there stressed the fact that the police had not advised the defendant of his constitutional privilege to remain silent at the outset of the interrogation, and we drew attention to that fact at several points in the decision, 378 U.S., at 483, 485, 491. This was no isolated factor, but an essential ingredient in our decision. The entire thrust of police interrogation there, as in all the cases today, was to put the defendant in such an emotional state as to impair his capacity for rational judgment. The abdication of the constitutional privilege—the choice on his part to speak to the police—was not made knowingly or competently because of the failure to apprise him of his rights; the compelling atmosphere of the in-custody interrogation, and not an independent decision on his part, caused the defendant to speak.

A different phase of the *Escobedo* decision was significant in its attention to the absence of counsel during the questioning. There, as in the cases today, we sought a protective device to dispel the compelling atmosphere of the interrogation. In *Escobedo*, however, the police did not relieve the defendant of the anxieties which they had created in the interrogation rooms. Rather, they denied his request for the assistance of counsel, 378 U.S., at 481, 488, 491.[35] This heightened his dilemma, and made his later statements the product of this compulsion. Cf. *Haynes* v. *Washington*, 373 U.S. 503, 514 (1963). The denial of the defendant's request for his attorney thus undermined his

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[30] Compare *Brown* v. *Walker*, 161 U.S. 596 (1896); *Quinn* v. *United States*, 349 U.S. 155 (1955).

[31] Brief for the United States, p. 28. To the same effect, see Brief for the United States, pp. 40–49, n. 44, *Anderson* v. *United States*, 318 U.S. 350 (1943); Brief for the United States, pp. 17–18, *McNabb* v. *United States*, 318 U.S. 332 (1943).

[32] Our decision today does not indicate in any manner, of course, that these rules can be disregarded. When federal officials arrest an individual, they must as always comply with the dictates of the congressional legislation and cases thereunder. See generally, Hogan and Snee, The McNabb-Mallory Rule: Its Rise, Rationale and Rescue, 47 Geo. L. J. 1 (1958).

[33] The decisions of this Court have guaranteed the same procedural protection for the defendant whether his confession was used in a federal or state court. It is now axiomatic that the defendant's constitutional rights have been violated if his conviction is based, in whole or in part, on an involuntary confession, regardless of its truth or falsity. *Rogers* v. *Richmond*, 365 U.S. 534, 544 (1961); *Wan* v. *United States*, 266 U.S. 1 (1924). This is so even if there is ample evidence aside from the confession to support the conviction, *e.g.*, *Malinski* v. *New York*, 324 U.S. 401, 404 (1945); *Bram* v. *United States*, 168 U.S. 532, 540–542 (1897). Both state and federal courts now adhere to trial procedures which seek to assure a reliable and clear-cut determination of the voluntariness of the confession offered at trial, *Jackson* v. *Denno*, 378 U.S. 368 (1964); *United States* v. *Carignan*, 342 U.S. 36, 38 (1951); see also *Wilson* v. *United States*, 162 U.S. 613, 624 (1896). Appellate review is exacting, see *Haynes* v. *Washington*, 373 U.S. 503 (1963); *Blackburn* v. *Alabama*, 361 U.S. 199 (1960). Whether his conviction was in a federal or state court, the defendant may secure a post-conviction hearing based on the alleged involuntary character of his confession, provided he meets the procedural requirements, *Fay* v. *Noia*, 372 U.S. 391 (1963); *Townsend* v. *Sain*, 372 U.S. 293 (1963). In addition, see *Murphy* v. *Waterfront Comm'n*, 378 U.S. 52 (1964).

[34] See *Lisenba* v. *California*, 314 U.S. 219, 241 (1941); *Ashcraft* v. *Tennessee*, 322 U.S. 143 (1944); *Malinski* v. *New York*, 324 U.S. 401 (1945); *Spano* v. *New York*, 360 U.S. 315 (1959); *Lynumn* v. *Illinois*, 372 U.S. 528 (1963); *Haynes* v. *Washington*, 373 U.S. 503 (1963).

[35] The police also prevented the attorney from consulting with his client. Independent of any other constitutional proscription, this action constitutes a violation of the Sixth Amendment right to the assistance of counsel and excludes any statement obtained in its wake. See *People* v. *Donovan*, 13 N.Y. 2d 148, 193 N. E. 2d 628, 243 N. Y. S. 2d 841 (1964) (Fuld, J.).

ability to exercise the privilege—to remain silent if he chose or to speak without any intimidation, blatant or subtle. The presence of counsel, in all the cases before us today, would be the adequate protective device necessary to make the process of police interrogation conform to the dictates of the privilege. His presence would insure that statements made in the government-established atmosphere are not the product of compulsion.

It was in this manner that *Escobedo* explicated another facet of the pre-trial privilege, noted in many of the Court's prior decisions: the protection of rights at trial.[36] That counsel is present when statements are taken from an individual during interrogation obviously enhances the integrity of the fact-finding processes in court. The presence of an attorney, and the warnings delivered to the individual, enable the defendant under otherwise compelling circumstances to tell his story without fear, effectively, and in a way that eliminates the evils in the interrogation process. Without the protections flowing from adequate warnings and the rights of counsel, "all the careful safeguards erected around the giving of testimony, whether by an accused or any other witness, would become empty formalities in a procedure where the most compelling possible evidence of guilt, a confession, would have already been obtained at the unsupervised pleasure of the police." *Mapp* v. *Ohio*, 367 U.S. 643, 685 (1961) (HARLAN, J., dissenting). Cf. *Pointer* v. *Texas*, 380 U.S. 400 (1965).

III

Today, then, there can be no doubt that the Fifth Amendment privilege is available outside of criminal court proceedings and serves to protect persons in all settings in which their freedom of action is curtailed from being compelled to incriminate themselves. We have concluded that without proper safeguards the process of in-custody interrogation of persons suspected or accused of crime contains inherently compelling pressures which work to undermine the individual's will to resist and to compel him to speak where he would not otherwise do so freely. In order to combat these pressures and to permit a full opportunity to exercise the privilege against self-incrimination, the accused must be adequately and effectively apprised of his rights and the exercise of those rights must be fully honored.

It is impossible for us to foresee the potential alternatives for protecting the privilege which might be devised by Congress or the States in the exercise of their creative rule-making capacities. Therefore we cannot say that the Constitution necessarily requires adherence to any particular solution for the inherent compulsions of the interrogation process as it is presently conducted. Our decision in no way creates a constitutional straitjacket which will handicap sound efforts at reform, nor is it intended to have this effect. We encourage Congress and the States to continue their laudable search for increasingly effective ways of protecting the rights of the individual while promoting efficient enforcement of our criminal laws. However, unless we are shown other procedures which are at least as effective in apprising accused persons of their right of silence and in assuring a continuous opportunity to exercise it, the following safeguards must be observed.

At the outset, if a person in custody is to be subjected to interrogation, he must first be informed in clear and unequivocal terms that he has the right to remain silent. For those unaware of the privilege, the warning is needed simply to make them aware of it—the threshold requirement for an intelligent decision as to its exercise. More important, such a warning is an absolute prerequisite in overcoming the inherent pressures of the interrogation atmosphere. It is not just the subnormal or woefully ignorant who succumb to an interrogator's imprecations, whether implied or expressly stated, that the interrogation will continue until a confession is obtained or that silence in the face of accusation is itself damning and will bode ill when presented to a jury.[37] Further, the warning will show the individual that his interrogators are prepared to recognize his privilege should he choose to exercise it.

The Fifth Amendment privilege is so fundamental to our system of constitutional rule and the expedient of giving an adequate warning as to the availability of the privilege so simple, we will not pause to inquire in individual cases whether the defendant was aware of his rights without a warning being given. Assessments of the knowledge the defendent possessed, based on information as to his age, education, intelligence, or prior contact with authorities, can never be more than speculation;[38] a warning is a clear-cut fact. More important, whatever the background of the person interrogated, a warning at the time of the interrogation is indispensable to overcome its pressures and to insure that the individual knows he is free to exercise the privilege at that point in time.

The warning of the right to remain silent must be accompanied by the explanation that anything said can and will be used against the individual in court. This warning is needed in order to make him aware not only of the privilege, but also of the consequences of forgoing it. It is only through an awareness of these consequences that there can be any assurance of real understanding and intelligent exercise of the privilege. Moreover, this warning may serve to make the individual more acutely aware that he is faced with a phase of the adversary system—that he is not in the presence of persons acting solely in his interest.

The circumstances surrounding in-custody interrogation can operate very quickly to overbear the will of one merely made aware of his privilege by his interrogators. Therefore, the right to have counsel present at the interrogation is indispensable to the protection of the Fifth Amendment privilege under the system we delineate today. Our aim is to assure that the individual's right to choose between silence and speech remains unfettered throughout the interrogation process. A once-stated warning, delivered by those who will conduct the interrogation, cannot itself suffice to that end among those who most require knowledge of their rights. A mere warning given by the interrogators is not alone sufficient to accomplish that end. Prosecutors themselves claim that the admonishment of the right to remain silent without more "will benefit only the recidivist and the professional." Brief for the National District Attorneys Association as *amicus curiae*, p. 14. Even preliminary advice given to the accused by his own attorney can be swiftly overcome by the secret interrogation process. Cf. *Escobedo* v. *Illinois*, 378 U. S. 478, 485, n. 5. Thus, the need for counsel to protect the Fifth Amendment privilege comprehends not merely a right to consult with counsel prior to questioning, but also to have counsel present during any questioning if the defendant so desires.

The presence of counsel at the interrogation may serve several significant subsidiary functions as well. If the accused decides to talk to his interrogators, the assistance of counsel can mitigate the dangers of untrustworthiness. With a lawyer present the likelihood that the police will practice coercion is reduced, and if coercion is nevertheless exercised the lawyer can testify to it in court. The presence of a lawyer can also help to guarantee that the accused gives a fully accurate statement to the police and that the statement is rightly reported by the prosecution at trial. See *Crooker* v. *California*, 357 U.S. 433, 443–448 (1958) (DOUGLAS, J., dissenting).

An individual need not make a pre-interrogation request for a lawyer. While such request affirmatively secures his right to have one, his failure to ask for a lawyer does not constitute a waiver. No effective waiver of the right to counsel during interrogation can be recognized unless specifically made after the warnings we here delineate have been given. The accused who does not know his rights and therefore does not make a request may be the person who most needs counsel. As the California Supreme Court has aptly put it:

"Finally, we must recognize that the imposition of the requirement for the request would discriminate against the defendant who does not know his rights. The defendant who does not ask for counsel is the very defendant who most needs counsel. We cannot penalize a defendant who, not understanding his constitutional rights, does not make the formal request and by such failure demonstrates his helplessness. To require the request would be to favor the defendant whose sophistication or status has fortuitously prompted him to make it." *People* v. *Dorado*, 62 Cal. 2d 338, 351, 398 P. 2d 361, 369–370, 42 Cal. Rptr. 169, 177–178 (1965) (Tobriner, J.).

In *Carnley* v. *Cochran*, 369 U.S. 506, 513 (1962), we stated: "[I]t is settled that where the assistance of counsel is a constitutional requisite, the right to be furnished counsel does not depend on a request." This proposition applies with equal force in the context of providing counsel to protect an accused's Fifth Amendment privilege in the face of interrogation.[39] Although the role of counsel at trial differs from the role during interrogation, the differences are not relevant to the question whether a request is a prerequisite.

Accordingly we hold that an individual held for interrogation must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him during interrogation under the system for protecting the privilege we delineate today.

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[36] *In re Groban*, 352 U.S. 330, 340–352 (1957) (BLACK, J., dissenting); Note, 73 Yale L. J. 1000, 1048–1051 (1964); Comment, 31 U. Chi. L. Rev. 313, 320 (1964) and authorities cited.

[37] See p. 16, *supra*. Lord Devlin has commented:

"It is probable that even today, when there is much less ignorance about these matters than formerly, there is still a general belief that you must answer all questions put to you by a policeman, or at least that it will be the worst for you if you do not." Devlin, The Criminal Prosecution in England (1958), 32.

In accord with this decision, it is impermissible to penalize an individual for exercising his Fifth Amendment privilege when he is under police custodial interrogation. The prosecution may not, therefore, use at trial the fact that he stood mute or claimed his privilege in the face of accusation. Cf. *Griffin* v. *California*, 380 U.S. 609 (1965); *Malloy* v. *Hogan*, 378 U.S. 1, 8 (1964); Comment, 31 U. Chi. L. Rev. 556 (1964); Developments in the Law—Confessions, 79 Harv. L. Rev. 935, 1041–1044 (1966). See also *Bram* v. *United States*, 168 U.S. 532, 562 (1897).

[38] Cf. *Betts* v. *Brady*, 316 U.S. 455 (1942), and the recurrent inquiry into special circumstances it necessitated. See generally, Kamisar, *Betts* v. *Brady* Twenty Years Later: The Right to Counsel and Due Process Values, 61 Mich. L. Rev. 219 (1962).

[39] See Herman, The Supreme Court and Restrictions on Police Interrogation, 25 Ohio St. L. J. 449, 480 (1964).

As with the warnings of the right to remain silent and that anything stated can be used in evidence against him, this warning is an absolute prerequisite to interrogation. No amount of circumstantial evidence that the person may have been aware of this right will suffice to stand in its stead. Only through such a warning is there ascertainable assurance that the accused was aware of this right.

If an individual indicates that he wishes the assistance of counsel before any interrogation occurs, the authorities cannot rationally ignore or deny his request on the basis that the individual does not have or cannot afford a retained attorney. The financial ability of the individual has no relationship to the scope of the rights involved here. The privilege against self-incrimination secured by the Constitution applies to all individuals. The need for counsel in order to protect the privilege exists for the indigent as well as the affluent. In fact, were we to limit these constitutional rights to those who can retain an attorney, our decisions today would be of little significance. The cases before us as well as the vast majority of confession cases with which we have dealt in the past involve those unable to retain counsel.[40] While authorities are not required to relieve the accused of his poverty, they have the obligation not to take advantage of indigence in the administration of justice.[41] Denial of counsel to the indigent at the time of interrogation while allowing an attorney to those who can afford one would be no more supportable by reason or logic than the similar situation at trial and on appeal struck down in *Gideon* v. *Wainwright*, 372 U.S. 355 (1963), and *Douglas* v. *California*, 372 U.S. 353 (1963).

In order fully to apprise a person interrogated of the extent of his rights under this system then, it is necessary to warn him not only that he has the right to consult with an attorney, but also that if he is indigent a lawyer will be appointed to represent him. Without this additional warning, the admonition of the right to consult with counsel would often be understood as meaning only that he can consult with a lawyer if he has one or has the funds to obtain one. The warning of a right to counsel would be hollow if not couched in terms that would convey to the indigent—the person most often subjected to interrogation—the knowledge that he too has a right to have counsel present.[42] As with the warnings of the right to remain silent and of the general right to counsel, only by effective and express explanation to the indigent of this right can there be assurance that he was truly in a position to exercise it.[43]

Once warnings have been given, the subsequent procedure is clear. If the individual indicates in any manner, at any time prior to or during questioning, that he wishes to remain silent, the interrogation must cease.[44] At this point he has shown that he intends to exercise his Fifth Amendment privilege; any statement taken after the person invokes his privilege cannot be other than the product of compulsion, subtle or otherwise. Without the right to cut off questioning, the setting of in-custody interrogation operates on the individual to overcome free choice in producing a statement after the privilege has been once invoked. If the individual states that he wants an attorney, the interrogation must cease until an attorney is present. At that time, the individual must have an opportunity to confer with the attorney and to have him present during any subsequent questioning. If the individual cannot obtain an attorney and he indicates that he wants one before speaking to police, they must respect his decision to remain silent.

This does not mean, as some have suggested, that each police station must have a "station house lawyer" present at all times to advise prisoners. It does mean, however, that if police propose to interrogate a person they must make known to him that he is entitled to a lawyer and that if he cannot afford one, a lawyer will be provided for him prior to any interrogation. If authorities conclude that they will not provide counsel during a reasonable period of time in which investigation in the field is carried out, they may do so without violating the person's Fifth Amendment privilege so long as they do not question him during that time.

If the interrogation continues without the presence of an attorney and a statement is taken, a heavy burden rests on the Government to demonstrate that the defendant knowingly and intelligently waived his privilege against self-incrimination and his right to retained or appointed counsel. *Escobedo* v. *Illinois*, 378 U.S. 478, 490, n. 14. This Court has always set high standards of proof for the waiver of constitutional rights, *Johnson* v. *Zerbst*, 304 U.S. 458 (1938), and we re-assert these standards as applied to in-custody interrogation. Since the State is responsible for establishing the isolated circumstances under which the interrogation takes place and has the only means of making available corroborated evidence of warnings given during incommunicado interrogation, the burden is rightly on its shoulders.

An express statement that the individual is willing to make a statement and does not want an attorney followed closely by a statement could constitute a waiver. But a valid waiver will not be presumed simply from the silence of the accused after warnings are given or simply from the fact that a confession was in fact eventually obtained. A statement we made in *Carnley* v. *Cochran*, 369 U.S. 506, 516 (1962), is applicable here: "Presuming waiver from a silent record is impermissible. The record must show, or there must be an allegation and evidence which show, that an accused was offered counsel but intelligently and understandingly rejected the offer. Anything less is not waiver."

See also *Glasser* v. *United States*, 315 U.S. 60 (1942). Moreover, where in-custody interrogation is involved, there is no room for the contention that the privilege is waived if the individual answers some questions or gives some information on his own prior to invoking his right to remain silent when interrogated.[45]

Whatever the testimony of the authorities as to waiver of rights by an accused, the fact of lengthy interrogation or incommunicado incarceration before a statement is made is strong evidence that the accused did not validly waive his rights. In these circumstances the fact that the individual eventually made a statement is consistent with the conclusion that the compelling influence of the interrogation finally forced him to do so. It is inconsistent with any notion of a voluntary relinquishment of the privilege. Moreover, any evidence that the accused was threatened, tricked, or cajoled into a waiver will, of course, show that the defendant did not voluntarily waive his privilege. The requirement of warnings and waiver of rights is a fundamental with respect to the Fifth Amendment privilege and not simply a preliminary ritual to existing methods of interrogation.

The warnings required and the waiver necessary in accordance with our opinion today are, in the absence of a fully effective equivalent, prerequisites to the admissibility of any statement made by a defendant. No distinction can be drawn between statements which are direct confessions and statements which amount to "admissions" of part or all of an offense. The privilege against self-incrimination protects the individual from being compelled to incriminate himself in any manner; it does not distinguish degrees of incrimination. Similarly, for precisely the same reason, no distinction may be drawn between inculpatory statements and statements alleged to be merely "exculpatory." If a statement made were in fact truly exculpatory it would, of course, never be used by the prosecution. In fact, statements merely intended to be exculpatory by the defendant are often used to impeach his testimony at trial or to demonstrate untruths in the statement given under interrogation and thus to prove guilt by implication. These statements are incriminating in any meaningful sense of the word and may not be used without the full warnings and effective waiver required for any other statement. In *Escobedo* itself, the defendant fully intended his accusation of another as the slayer to be exculpatory as to himself.

The principles announced today deal with the protection which must be given to the privilege against self-incrimination when the individual is first subjected to police interrogation while in custody at the station or otherwise deprived of his freedom of action in any way. It is at this point that our adversary system of criminal proceedings

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[40] Estimates of 50–90% indigency among felony defendants have been reported. Pollock, Equal Justice in Practice, 45 Minn. L. Rev. 737, 738–739 (1961); Birzon, Kasanof and Forma, The Right to Counsel and the Indigent Accused in Courts of Criminal Jurisdiction in New York State, 14 Buff. L. Rev. 428, 433 (1965).

[41] See Kamisar, Equal Justice in the Gatehouses and Mansions of American Criminal Procedure, in Criminal Justice in Our Time (1965), 64–81. As was stated in the Report of the Attorney General's Committee on Poverty and the Administration of Federal Criminal Justice (1963), p. 9:

"When government chooses to exert its powers in the criminal area, its obligation is surely no less than that of taking reasonable measures to eliminate those factors that are irrelevant to just administration of the law but which, nevertheless, may occasionally affect determinations of the accused's liability or penalty. While government may not be required to relieve the accused of his poverty, it may properly be required to minimize the influence of poverty on its administration of justice."

[42] Cf. *United States ex rel. Brown* v. *Fay*, 242 F. Supp. 273, 277 (D. C. S. D. N. Y. 1965); *People* v. *Witenski*, 15 N. Y. 2d 392, 207 N. E. 2d 358, 259 N.Y. S. 2d 413 (1965).

[43] While a warning that the indigent may have counsel appointed need not be given to the person who is known to have an attorney or is known to have ample funds to secure one, the expedient of giving a warning is too simple and the rights involved too important to engage in *ex post facto* inquiries into financial ability when there is any doubt at all on that score.

[44] If an individual indicates his desire to remain silent, but has an attorney present, there may be some circumstances in which further questioning would be permissible. In the absence of evidence of overbearing, statements then made in the presence of counsel might be free of the compelling influence of the interrogation process and might fairly be construed as a waiver of the privilege for purposes of these statements.

[45] Although this Court held in *Rogers* v. *United States*, 340 U.S. 367 (1951), over strong dissent, that a witness before a grand jury may not in certain circumstances decide to answer some questions and then refuse to answer others, that decision has no application to the interrogation situation we deal with today. No legislative or judicial fact-finding authority is involved here, nor is there a possibility that the individual might make self-serving statements of which he could make use at trial while refusing to answer incriminating statements.

commences, distinguishing itself at the outset from the inquisitorial system recognized in some countries. Under the system of warnings we delineate today or under any other system which may be devised and found effective, the safeguards to be erected about the privilege must come into play at this point.

Our decision is not intended to hamper the traditional function of police officers in investigating crime. See *Escobedo* v. *Illinois*, 378 U.S. 478, 492. When an individual is in custody on probable cause, the police may, of course, seek out evidence in the field to be used at trial against him. Such investigation may include inquiry of persons not under restraint. General on-the-scene questioning as to facts surrounding a crime or other general questioning of citizens in the fact-finding process is not affected by our holding. It is an act of responsible citizenship for individuals to give whatever information they may have to aid in law enforcement. In such situations the compelling atmosphere inherent in the process of in-custody interrogation is not necessarily present.[46]

In dealing with statements obtained through interrogation, we do not purport to find all confessions inadmissible. Confessions remain a proper element in law enforcement. Any statement given freely and voluntarily without any compelling influences is, of course, admissible in evidence. The fundamental import of the privilege while an individual is in custody is not whether he is allowed to talk to the police without the benefit of warnings and counsel, but whether he can be interrogated. There is no requirement that police stop a person who enters a police station and states that he wishes to confess to a crime,[47] or a person who calls the police to offer a confession or any other statement he desires to make. Volunteered statements of any kind are not barred by the Fifth Amendment and their admissibility is not affected by our holding today.

To summarize, we hold that when an individual is taken into custody or otherwise deprived of his freedom by the authorities and is subjected to questioning, the privilege against self-incrimination is jeopardized. Procedural safeguards must be employed to protect the privilege, and unless other fully effective means are adopted to notify the person of his right of silence and to assure that the exercise of the right will be scrupulously honored, the following measures are required. He must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires. Opportunity to exercise these rights must be afforded to him throughout the interrogation. After such warnings have been given, and such opportunity afforded him, the individual may knowingly and intelligently waive these rights and agree to answer questions or make a statement. But unless and until such warnings and waiver are demonstrated by the prosecution at trial, no evidence obtained as a result of interrogation can be used against him.[48]

IV

A recurrent argument made in these cases is that society's need for interrogation outweighs the privilege. This argument is not unfamiliar to this Court. See, *e.g.*, *Chambers* v. *Florida*, 309 U.S. 227, 240–241 (1940). The whole thrust of our foregoing discussion demonstrates that the Constitution has prescribed the rights of the individual when confronted with the power of government when it provided in the Fifth Amendment that an individual cannot be compelled to be a witness against himself. That right cannot be abridged. As Mr. Justice Brandeis once observed:

"Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means . . . would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face." *Olmstead* v. *United States*, 277 U.S. 438, 485 (1928) (dissenting opinion).[49]

In this connection, one of our country's distinguished jurists has pointed out: "The quality of a nation's civilization can be largely measured by the methods it uses in the enforcement of its criminal law."[50]

If the individual desires to exercise his privilege, he has the right to do so. This is not for the authorities to decide. An attorney may advise his client not to talk to police until he has had an opportunity to investigate the case, or he may wish to be present with his client during any police questioning. In doing so an attorney is merely exercising the good professional judgment he has been taught. This is not cause for considering the attorney a menace to law enforcement. He is merely carrying out what he is sworn to do under his oath—to protect to the extent of his ability the rights of his client. In fulfilling this responsibility the attorney plays a vital role in the administration of criminal justice under our Constitution.

In announcing these principles, we are not unmindful of the burdens which law enforcement officials must bear, often under trying circumstances. We also fully recognize the obligation of all citizens to aid in enforcing the criminal laws. This Court, while protecting individual rights, has always given ample latitude to law enforcement agencies in the legitimate exercise of their duties. The limits we have placed on the interrogation process should not constitute an undue interference with a proper system of law enforcement. As we have noted, our decision does not in any way preclude police from carrying out their traditional investigatory functions. Although confessions may play an important role in some convictions, the cases before us present graphic examples of the overstatement of the "need" for confessions. In each case authorities conducted interrogations ranging up to five days in duration despite the presence, through standard investigating practices, of considerable evidence against each defendant.[51] Further examples are chronicled in our prior cases. See, e.g., *Haynes* v. *Washington*, 373 U.S. 503, 518–519 (1963); *Rogers* v. *Richmond*, 365 U.S. 534, 541 (1961); *Malinski* v. *New York*, 324 U.S. 401, 402 (1945).[52]

It is also urged that an unfettered right to detention for interrogation should be allowed because it will often redound to the benefit of the person questioned. When police inquiry determines that there is no reason to believe that the person has committed any crime, it is said, he will be released without need for further formal procedures. The person who has committed no offense, however, will be better able to clear himself after warnings, with counsel present than without. It can be assumed that in such circumstances a lawyer would advise his client to talk freely to police in order to clear himself.

Custodial interrogation, by contrast, does not necessarily afford the innocent an opportunity to clear themselves. A serious consequence of the present practice of the interrogation alleged to be beneficial for the innocent is that many arrests "for investigation" subject large numbers of innocent persons to detention and interrogation. In one of the cases before us, No. 584, *California* v. *Stewart*, police held four persons, who were in the defendant's house at the time of the arrest, in jail for five days until defendant confessed. At that time they were finally released. Police stated that there was "no evidence to connect them with any crime." Available statistics on the extent of this practice where it is condoned indicate that these four are far from alone in being subjected to arrest, prolonged detention, and interrogation without the requisite probable cause.[53]

Over the years the Federal Bureau of Investigation has compiled an exemplary record of effective law enforcement while advising any suspect or arrested person, at the outset of an interview, that he is not required to make a statement, that any statement may

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[46] The distinction and its significance has been aptly described in the opinion of a Scottish court:

"In former times such questioning, if undertaken, would be conducted by police officers visiting the house or place of business of the suspect and there questioning him, probably in the presence of a relation or friend. However convenient the modern practice may be, it must normally create a situation very unfavourable to the suspect." *Chalmers* v. *H. M. Advocate*, [1954] Sess. Cas. 66, 78 (J. C.).

[47] See *People* v. *Dorado*, 62 Cal. 2d 338, 354, 398 P. 2d 361, 371, 42 Cal. Rptr. 169, 179 (1965).

[48] In accordance with our holdings today and in *Escobedo* v. *Illinois*, 378 U.S. 478, 492, *Crooker* v. *California*, 357 U.S. 433 (1958) and *Cicenia* v. *Lagay*, 357 U.S. 504 (1958) are not to be followed.

[49] In quoting the above from the dissenting opinion of Mr. Justice Brandeis we, of course, do not intend to pass on the constitutional questions involved in the *Olmstead* case.

[50] Schaefer, Federalism and State Criminal Procedure, 70 Harv. L. Rev. 1, 26 (1956).

[51] Miranda, Vignera, and Westover were identified by eyewitnesses. Marked bills from the bank robbed were found in Westover's car. Articles stolen from the victim as well as from several other robbery victims were found in Stewart's home at the outset of the investigation.

[52] Dealing as we do here with constitutional standards in relation to statements made, the existence of independent corroborating evidence produced at trial is, of course, irrelevant to our decisions. *Haynes* v. *Washington*, 373 U.S. 503, 518–519 (1963); *Lynumn* v. *Illinois*, 372 U.S. 528, 537–538 (1963); *Rogers* v. *Richmond*, 365 U.S. 534, 541 (1961); *Blackburn* v. *Alabama*, 361 U.S. 199, 206 (1960).

[53] See, *e. g.*, Report and Recommendations of the Commissioner's Committee on Police Arrests for Investigation (1962); American Civil Liberties Union, Secret Detention by the Chicago Police (1959). An extreme example of this practice occurred in the District of Columbia in 1958. Seeking three "stocky" young Negroes who had robbed a restaurant, police rounded up 90 persons of that general description. Sixty-three were held overnight before being released for lack of evidence. A man not among the 90 arrested was ultimately charged with the crime. Washington Daily News, January 21, 1958, p. 5, col. 1; Hearings before a Subcommittee of the Senate Judiciary Committee on H.R. 11477, S. 2970, S. 3325, and S. 3355 (July 1958), pp. 40, 78.

be used against him in court, that the individual may obtain the services of an attorney of his own choice and, more recently, that he has a right to free counsel if he is unable to pay.[54] A letter received from the Solicitor General in response to a question from the Bench makes it clear that the present pattern of warnings and respect for the rights of the individual followed as a practice by the FBI is consistent with the procedure which we delineate today. It states:

"At the oral argument of the above cause, Mr. Justice Fortas asked whether I could provide certain information as to the practices followed by the Federal Bureau of Investigation. I have directed these questions to the attention of the Director of the Federal Bureau of Investigation and am submitting herewith a statement of the questions and of the answers which we have received.

"'(1) When an individual is interviewed by agents of the Bureau, what warning is given to him?

"'The standard warning long given by Special Agents of the FBI to both suspects and persons under arrest is that the person has a right to say nothing and a right to counsel, and that any statement he does make may be used against him in court. Examples of this warning are to be found in the *Westover* case at 342 F. 2d 685, (1965), and *Jackson* v. *U. S.*, 337 F. 2d 136 (1964), cert. den. 380 U. S. 985.

"'After passage of the Criminal Justice Act of 1964, which provides free counsel for Federal defendants unable to pay, we added to our instructions to Special Agents the requirement that any person who is under arrest for an offense under FBI jurisdiction, or whose arrest is contemplated following the interview, must also be advised of his right to free counsel if he is unable to pay, and the fact that such counsel will be assigned by the Judge. At the same time, we broadened the right to counsel warning to read counsel of his own choice, or anyone else with whom he might wish to speak.

"'(2) When is the warning given?

"'The FBI warning is given to a suspect at the very outset of the interview, as shown in the *Westover* case, cited above. The warning may be given to a person arrested as soon as practicable after the arrest, as shown in the *Jackson* case, also cited above, and in *U. S.* v. *Konigsberg*, 336 F. 2d 844 (1964), cert. den. 379 U. S. 930, 933, but in any event it must precede the interview with the person for a confession or admission of his own guilt.

"'(3) What is the Bureau's practice in the event that (a) the individual requests counsel and (b) counsel appears?

"'When the person who has been warned of his right to counsel decides that he wishes to consult with counsel before making a statement, the interview is terminated at that point, *Schultz* v. *U. S.*, 351 F. 2d 287 (1965). It may be continued, however, as to all matters *other* than the person's own guilt or innocence. If he is indecisive in his request for counsel, there may be some question on whether he did or did not waive counsel. Situations of this kind must necessarily be left to the judgment of the interviewing Agent. For example, in *Hiram* v. *U. S.*, 354 F. 2d 4 (1965), the Agent's conclusion that the person arrested had waived his right to counsel was upheld by the courts.

"'A person being interviewed and desiring to consult counsel by telephone must be permitted to do so, as shown in *Caldwell* v. *U. S.*, 351 F. 2d 459 (1965). When counsel appears in person, he is permitted to confer with his client in private.

"'(4) What is the Bureau's practice if the individual requests counsel, but cannot afford to retain an attorney?

"'If any person being interviewed after warning of counsel decides that he wishes to consult with counsel before proceeding further the interview is terminated, as shown above. FBI Agents do not pass judgment on the ability of the person to pay for counsel. They do, however, advise those who have been arrested for an offense under FBI jurisdiction, or whose arrest is contemplated following the interview, of a right to free counsel *if* they are unable to pay, and the availability of such counsel from the Judge.'"[55]

The practice of the FBI can readily be emulated by state and local enforcement agencies. The argument that the FBI deals with different crimes than are dealt with by state authorities does not mitigate the significance of the FBI experience.[56]

The experience in some other countries also suggests that the danger to law enforcement in curbs on interrogation is overplayed. The English procedure since 1912 under the Judge's Rules is significant. As recently strengthened, the Rules require that a cautionary warning be given an accused by a police officer as soon as he has evidence that affords reasonable grounds for suspicion; they also require that any statement made be given by the accused without questioning by police.[57] The right of the individual to consult with an attorney during this period is expressly recognized.[58]

The safeguards present under Scottish law may be even greater than in England. Scottish judicial decisions bar use in evidence of most confessions obtained through police interrogation.[59]. In India, confessions

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[54] In 1952, J. Edgar Hoover, Director of the Federal Bureau of Investigation, stated:

"Law enforcement, however, in defeating the criminal, must maintain inviolate the historic liberties of the individual. To turn back the criminal, yet, by so doing, destroy the dignity of the individual, would be a hollow victory.

"We can have the Constitution, the best laws in the land, and the most honest reviews by courts—but unless the law enforcement profession is steeped in the democratic tradition, maintains the highest in ethics, and makes its work a career of honor, civil liberties will continually—and without end—be violated . . . . The best protection of civil liberties is an alert, intelligent and honest law enforcement agency. There can be no alternative.

". . . Special Agents are taught that any suspect or arrested person, at the outset of an interview, must be advised that he is not required to make a statement and that any statement given can be used against him in court. Moreover, the individual must be informed that, if he desires, he may obtain the services of an attorney of his own choice."

Hoover, Civil Liberties, and Law Enforcement: The Role of the FBI, 37 Iowa L. Rev. 175, 177–182 (1952).

[55] We agree that the interviewing agent must exercise his judgment in determining whether the individual waives his right to counsel. Because of the constitutional basis of the right, however, the standard for waiver is necessarily high. And, of course, the ultimate responsibility for resolving this constitutional question lies with the courts.

[56] Among the crimes within the enforcement jurisdiction of the FBI are kidnaping, 18 U.S.C. § 1201 (1964 ed.), white slavery, 18 U.S.C. §§ 2421–2423 (1964 ed.), bank robbery, 18 U.S.C. § 2113 (1964 ed.), interstate transportation and sale of stolen property, 18 U.S.C. §§ 2311–2317 (1964 ed.), all manner of conspiracies, 18 U.S.C. § 371 (1964 ed.), and violations of civil rights, 18 U.S.C. §§ 241–242 (1964 ed.). See also 18 U.S.C. § 1114 (1964 ed.) (murder of officer or employee of the United States).

[57] [1964] Crim. L. Rev. 166–170. These Rules provide in part:

"II. As soon as a police officer has evidence which would afford reasonable grounds for suspecting that a person has committed an offence, he shall caution that person or cause him to be cautioned before putting to him any questions, or further questions, relating to that offence.

"The caution shall be in the following terms:

"'You are not obliged to say anything unless you wish to do so but what you say may be put into writing and given in evidence.'

"When after being cautioned a person is being questioned, or elects to make a statement, a record shall be kept of the time and place at which any such questioning or statement began and ended and of the persons present.

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"(b) It is only in exceptional cases that questions relating to the offence should be put to the accused person after he has been charged or informed that he may be prosecuted.

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"IV. All written statements made after caution shall be taken in the following manner:

"(a) If a person says that he wants to make a statement he shall be told that it is intended to make a written record of what he says.

"He shall always be asked whether he wishes to write down himself what he wants to say; if he says that he cannot write or that he would like someone to write it for him, a police officer may offer to write the statement for him . . . .

"(b) Any person writing his own statement shall be allowed to do so without any prompting as distinct from indicating to him what matters are material.

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"(d) Whenever a police officer writes the statement, he shall take down the exact words spoken by the person making the statement without putting any questions other than such as may be needed to make the statement coherent, intelligible and relevant to the material matters: he shall not prompt him."

The prior Rules appear in Devlin, The Criminal Prosecution in England (1958), 137–141.

Despite suggestions of some laxity in enforcement of the Rules and despite the fact some discretion as to admissibility is invested in the trial judge, the Rules are a significant influence in the English criminal law enforcement system. See, *e. g.*, [1964] Crim. L. Rev., at 182; and articles collected in [1960] Crim. L. Rev., at 298–356.

[58] The introduction to the Judge's Rules states in part:

"These Rules do not affect the principles

"(c) That every person at any stage of an investigation should be able to communicate and consult privately with a solicitor. This is so even if he is in custody provided that in such a case no unreasonable delay or hindrance is caused to the processes of investigation or the administration of justice by his doing so . . . ." [1964] Crim. L. Rev., at 166–167.

[59] As stated by the Lord Justice General in *Chalmers* v. *H. M. Advocate*, [1954] Sess. Cas. 66, 78 (J. C.):

"The theory of our law is that at the stage of initial investigation the police may question anyone with a view to acquiring information which may lead to the detection of the criminal; but that, when the stage has been reached at which suspicion, or more than suspicion, has in their view centered upon some person as the likely perpetrator of the crime, further interrogation of that person becomes very dangerous, and, if carried too far, *e. g.*, to the point of extracting

made to police not in the presence of a magistrate have been excluded by rule of evidence since 1872, at a time when it operated under British law.[60] Identical provisions appear in the Evidence Ordinance of Ceylon, enacted in 1895.[61] Similarly, in our country the Uniform Code of Military Justice has long provided that no suspect may be interrogated without first being warned of his right not to make a statement and that any statement he makes may be used against him.[62] Denial of the right to consult counsel during interrogation has also been proscribed by military tribunals.[63] There appears to have been no marked detrimental effect on criminal law enforcement in these jurisdiction as a result of these rules. Conditions of law enforcement in our country are sufficiently similar to permit reference to this experience as assurance that lawlessness will not result from warning an individual of his rights or allowing him to exercise them. Moreover, it is consistent with our legal system that we give at least as much protection to these rights as is given in the jurisdictions described. We deal in our country with rights grounded in a specific requirement of the Fifth Amendment of the Constitution, whereas other jurisdictions arrived at their conclusions on the basis of principles of justice not so specifically defined.[64]

It is also urged upon us that we withhold decision on this issue until state legislative bodies and advisory groups have had an opportunity to deal with these problems by rule making.[65] We have already pointed out that the Constitution does not require any specific code of procedures for protecting the privilege against self-incrimination during custodial interrogation. Congress and the States are free to develop their own safeguards for the privilege, so long as they are fully as effective as those described above in informing accused persons of their right of silence and in affording a continuous opportunity to exercise it. In any event, however, the issues presented are of constitutional dimensions and must be determined by the courts. The admissibility of a statement in the face of a claim that it was obtained in violation of the defendant's constitutional rights is an issue the resolution of which has long since been undertaken by this Court. See *Hopt* v. *Utah*, 110 U.S. 574 (1884). Judicial solutions to problems of constitutional dimension have evolved decade by decade. As courts have been presented with the need to enforce constitutional rights, they have found means of doing so. That was our responsibility when *Escobedo* was before us and it is our responsibility today. Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.

V.

Because of the nature of the problem and because of its recurrent significance in numerous cases, we have to this point discussed the relationship of the Fifth Amendment privilege to police interrogation without specific concentration on the facts of the cases before us. We turn now to these facts to consider the application to these cases of the constitutional principles discussed above. In each instance, we have concluded that statements were obtained from the defendant under circumstances that did not meet constitutional standards for protection of the privilege.

No. 759. Miranda v. *Arizona*

On March 13, 1963, petitioner, Ernesto Miranda, was arrested at his home and taken in custody to a Phoenix police station. He was there identified by the complaining witness. The police then took him to "Interrogation Room No. 2" of the detective bureau. There he was questioned by two police officers. The officers admitted at trial that Miranda was not advised that he had a right to have an attorney present.[66] Two hours later, the officers emerged from the interrogation room with a written confession signed by Miranda. At the top of the statement was a typed paragraph stating that the confession was made voluntarily, without threats or promises of immunity and "with full knowledge of my legal rights, understanding any statement I make may be used against me."[67]

At his trial before a jury, the written confession was admitted into evidence over the objection of defense counsel, and the officers testified to the prior oral confession made by Miranda during the interrogation. Miranda was found guilty of kidnapping and rape. He was sentenced to 20 to 30 years' imprisonment on each count, the sentences to run concurrently. On appeal, the Supreme Court of Arizona held that Miranda's constitutional rights were not violated in obtaining the confession and affirmed the conviction. 98 Ariz. 18, 401 P. 2d 721. In reaching its decision, the court emphasized heavily the fact that Miranda did not specifically request counsel.

We reverse. From the testimony of the officers and by the admission of respondent, it is clear that Miranda was not in any way apprised of his right to consult with an attorney and to have one present during the interrogation, nor was his right not to be compelled to incriminate himself effectively protected in any other manner. Without these warnings the statements were inadmissible. The mere fact that he signed a statement which contained a typed-in clause stating that he had "full knowledge" of his "legal rights" does not approach the knowing and intelligent waiver required to relinquish constitutional rights. Cf. *Haynes* v. *Washington*, 373 U.S. 503, 512–513 (1963); *Haley* v. *Ohio*, 332 U.S. 596, 601 (1948) (opinion of Mr. Justice Douglas).

No. 760. Vignera v. *New York*

Petitioner, Michael Vignera, was picked up by New York police on October 14, 1960, in connection with the robbery three days earlier of a Brooklyn dress shop. They took him to the 17th Detective Squad headquarters in Manhattan. Sometime thereafter he was taken to the 66th Detective Squad. There a detective questioned Vignera with respect to the robbery. Vignera orally admitted the robbery to the detective. The detective was asked on cross-examination at trial by defense counsel whether Vignera was warned of his right to counsel before being interrogated. The prosecution objected to the question and the trial judge sustained the objection. Thus, the defense was precluded from making any showing that warnings had not been given. While at the 66th Detective Squad, Vignera was identified by the store owner and a saleslady as the man who robbed the dress shop. At about 3:00 p.m. he was formally arrested. The police then transported him to still another station, the 70th Precinct in Brooklyn, "for detention." At 11:00 p.m. Vignera was questioned by an assistant district attorney in the presence of a hearing reporter who transcribed the questions and Vignera's answers. This verbatim account of these proceedings contains no statement of any warnings given by the assistant district attorney. At Vignera's trial on a charge of first degree robbery, the detective testified as to the oral confession. The transcription of the statement taken was also introduced in evidence. At the conclusion of the testimony, the trial judge charged the jury in part as follows:

"The law doesn't say that the confession is void or invalidated because the police officer didn't advise the defendant as to his rights. Did you hear what I said? I am telling you what the law of the State of New York is."

Vignera was found guilty of first-degree robbery. He was subsequently adjudged a third-felony offender and sentenced to 30 to 60 years' imprisonment.[68] The conviction was affirmed and without opinion by the Appellate Division, Second Department, 21 A.D. 2d 752, 252 N.Y.S. 2d 19, and by the Court of Appeals, also without opinion, 15 N.Y. 2d 970, 207 NE., 2d 527, 259 N.Y.S. 2d 857, remittitur amended, 16 N.Y. 2d 614, 209 N.E., 2d 110, 261 N.Y. S. 2d 65. In argument to the Court of Appeals, the State

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a confession by what amounts to cross-examination, the evidence of that confession will almost certainly be excluded. Once the accused has been apprehended and charged he has the statutory right to a private interview with a solicitor and to be brought before a magistrate with all convenient speed so that he may, if so advised, emit a declaration in the presence of his solicitor under conditions which safeguard him against prejudice."

[60] "No confession made to a police officer shall be proved as against a person accused of any offence." Indian Evidence Act § 25.

"No confession made by any person whilst he is in the custody of a police officer unless it be made in the immediate presence of a Magistrate, shall be proved as against such person." Indian Evidence Act, § 26. See 1 Ramaswami & Rajagopalan, Law of Evidence in India (1962), 553–569. To avoid any continuing effect of police pressure or inducement, the Indian Supreme Court has invalidated a confession made shortly after police brought a suspect before a magistrate, suggesting: "[I]t would, we think, be reasonable to insist upon giving an accused person at least 24 hours to decide whether or not to make a confession." *Sarwan Singh* v. *State of Punjab*, 44 All India Rep. 1957, Sup. Ct. 637, 644.

[61] 1 Legislative Enactments of Ceylon (1958), 211.

[62] 10 U.S.C. § 831(b) (1964 ed.).

[63] *United States* v. *Rose*, 24 Court-Martial Reports 251 (1957); *United States* v. *Gunnels*, 23 Court-Martial Reports 354 (1957).

[64] Although no constitution existed at the time confessions were excluded by rule of evidence in 1872, India now has a written constitution which includes the provision that "No person accused of any offence shall be compelled to be a witness against himself." Constitution of India, Article 20(3). See Tope, The Constitution of India (1960), 63–67.

[65] Brief for United States in No. 761, *Westover* v. *United States*, pp. 44–47; Brief for the State of New York as *amicus curiae*, pp. 35–39. See also Brief for the National District Attorneys Association as *amicus curiae*, pp. 23–26.

[66] Miranda was also convicted in a separate trial on an unrelated robbery charge not presented here for review. A statement introduced at that trial was obtained from Miranda during the same interrogation which resulted in the confession involved here. At the robbery trial, one officer testified that during the interrogation he did not tell Miranda that anything he said would be held against him or that he could consult with an attorney. The other officer stated that they had both told Miranda that anything he said would be used against him and that he was not required by law to tell them anything.

[67] One of the officers testified that he read this paragraph to Miranda. Apparently, however, he did not do so until after Miranda had confessed orally.

[68] Vignera thereafter successfully attacked the validity of one of the prior convictions, *Vignera* v. *Wilkins*, Civ. 9901 (D. C. W. D. N. Y. Dec. 31, 1961) (unreported), but was then resentenced as a second-felony offender to the same term of imprisonment as the original sentence. R. 31–33.

contended that Vignera had no constitutional right to be advised of his right to counsel or his privilege against self-incrimination.

We reverse. The foregoing indicates that Vignera was not warned of any of his rights before the questioning by the detective and by the assistant district attorney. No other steps were taken to protect these rights. Thus he was not effectively apprised of his Fifth Amendment privilege or of his right to have counsel present and his statements are inadmissible.

No. 761. Westover v. *United States*

At approximately 9:45 p.m. on March 20, 1963, petitioner, Carl Calvin Westover, was arrested by local police in Kansas City as a suspect in two Kansas City robberies. A report was also received from the FBI that he was wanted on a felony charge in California. The local authorities took him to a police station and placed him in a line-up on the local charges, and at about 11.45 p.m. he was booked. Kansas City police interrogated Westover on the night of his arrest. He denied any knowledge of criminal activities. The next day local officers interrogated him again throughout the morning. Shortly before noon they informed the FBI that they were through interrogating Westover and that the FBI could proceed to interrogate him. There is nothing in the record to indicate that Westover was ever given any warning as to his rights by local police. At noon, three special agents of the FBI continued the interrogation in a private interview room of the Kansas City Police Department, this time with respect to the robbery of a savings and loan association and a bank in Sacramento, California. After two or two and one-half hours, Westover signed separate confessions to each of these two robberies which had been prepared by one of the agents during the interrogation. At trial one of the agents testified, and a paragraph on each of the statements states, that the agents advised Westover that he did not have to make a statement, that any statement he made could be used against him, and that he had the right to see an attorney.

Westover was tried by a jury in federal court and convicted of the California robberies. His statements were introduced at trial. He was sentenced to 15 years' imprisonment on each count, the sentences to run consecutively. On appeal, the conviction was affirmed by the Court of Appeals for the Ninth Circuit. 342 F. 2d 684.

We reverse. On the facts of this case we cannot find that Westover knowingly and intelligently waived his right to remain silent and his right to consult with counsel prior to the time he made the statement.[69] At the time the FBI agents began questioning Westover, he had been in custody for over 14 hours and had been interrogated at length during that period. The FBI interrogation began immediately upon the conclusion of the interrogation by Kansas City police and was conducted in local police headquarters. Although the two law enforcement authorities are legally distinct and the crimes for which they interrogated Westover were different, the impact on him was that of a continuous period of questioning. There is no evidence of any warning given prior to the FBI interrogation nor is there any evidence of an articulated waiver of rights after the FBI commenced their interrogation. The record simply shows that the defendant did in fact confess a short time after being turned over to the FBI following interrogation by local police. Despite the fact that the FBI agents gave warnings at the outset of their interview, from Westover's point of view the warnings came at the end of the interrogation process. In these circumstances an intelligent waiver of constitutional rights cannot be assumed.

We do not suggest that law enforcement authorities are precluded from questioning any individual who has been held for a period of time by other authorities and interrogated by them without appropriate warnings. A different case would be presented if an accused were taken into custody by the second authority, removed both in time and place from his original surroundings, and then adequately advised of his rights and given an opportunity to exercise them. But here the FBI interrogation was conducted immediately following the state interrogation in the same police station—in the same compelling surroundings. Thus, in obtaining a confession from Westover the federal authorities were the beneficiaries of the pressure applied by the local in-custody interrogation. In these circumstances the giving of warnings alone was not sufficient to protect the privilege.

No. 584. California v. *Stewart*

In the course of investigating a series of purse-snatch robberies in which one of the victims had died of injuries inflicted by her assailant, respondent, Roy Allen Stewart, was pointed out to Los Angeles police as the endorser of dividend checks taken in one of the robberies. At about 7:15 p.m., January 31, 1963, police officers went to Stewart's house and arrested him. One of the officers asked Stewart if they could search the house, to which he replied, "Go ahead." The search turned up various items taken from the five robbery victims. At the time of Stewart's arrest, police also arrested Stewart's wife and three other persons who were visiting him. These four were jailed along with Stewart and were interrogated. Stewart was taken to the University Station of the Los Angeles Police Department where he was placed in a cell. During the next five days, police interrogated Stewart on nine different occasions. Except during the first interrogation session, when he was confronted with an accusing witness, Stewart was isolated with his interrogators.

During the ninth interrogation session, Stewart admitted that he had robbed the deceased and stated that he had not meant to hurt her. Police then brought Stewart before a magistrate for the first time. Since there was no evidence to connect them with any crime, the police then released the other four persons arrested with him.

Nothing in the record specifically indicates whether Stewart was or was not advised of his right to remain silent or his right to counsel. In a number of instances, however, the interrogating officers were asked to recount everything that was said during the interrogations. None indicated that Stewart was ever advised of his right.

Stewart was charged with kidnapping to commit robbery, rape, and murder. At his trial, transcripts of the first interrogation and the confession at the last interrogation were introduced in evidence. The jury found Stewart guilty of robbery and first degree murder and fixed the penalty as death. On appeal, the Supreme Court of California reversed. 62 Cal. 2d 571, 400 P. 2d 97, 43 Cal. Rptr. 201. It held that under this Court's decision in *Escobedo*, Stewart should have been advised of his right to remain silent and of his right to counsel and that it would not presume in the face of a silent record that the police advised Stewart of his rights.[70]

We affirm.[71] In dealing with custodial interrogation, we will not presume that a defendant has been effectively apprised of his rights and that his privilege against self-incrimination has been adequately safeguarded on a record that does not show that any warnings have been given or that any effective alternative has been employed. Nor can a knowing and intelligent waiver of these rights be assumed on a silent record. Furthermore, Stewart's steadfast denial of the alleged offenses through eight of the nine interrogations over a period of five days is subject to no other construction than that he was compelled by persistent interrogation to forgo his Fifth Amendment privilege.

Therefore, in accordance with the foregoing, the judgments of the Supreme Court of Arizona in No. 759, of the New York Court of Appeals in No. 760, and of the Court of Appeals for the Ninth Circuit in No. 761 are reversed. The judgment of the Supreme Court of California in No. 584 is affirmed.

It is so ordered.

SUPREME COURT OF THE UNITED STATES—NOS. 759, 760, 761 AND 584.—OCTOBER TERM, 1965

Ernesto A. Miranda, Petitioner, 759 *v.* State of Arizona. On Writ of Certiorari to the Supreme Court of the State of Arizona.

Michael Vignera, Petitioner, 760 *v.* State of New York. On Writ of Certiorari to the Court of Appeals of the State of New York.

Carl Calvin Westover, Petitioner, 761 *v.* United States. On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

State of California, Petitioner, 584 *v.* Roy Allen Stewart. On Writ of Certiorari to the Supreme Court of the State of California.

[June 13, 1966]

MR. JUSTICE CLARK, dissenting in Nos. 759, 760, and 761, and concurring in result in No. 584.

It is with regret that I find it necessary to write in these cases. However, I am unable to join the majority because its opinion goes too far on too little, while my dissenting brethren do not go quite far enough. Nor can I agree with the Court's criticism of the present practices of police and investigatory agencies as to custodial interrogation. The materials it refers to as "police manuals"[1] are, as I read them, merely writings in this field by professors and some police officers. Not one is shown by the record here to be the official manual of any police department,

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[69] The failure of defense counsel to object to the introduction of the confession at trial, noted by the Court of Appeals and emphasized by the Solicitor General, does not preclude our consideration of the issue. Since the trial was held prior to our decision in *Escobedo* and, of course, prior to our decision today making the objection available, the failure to object at trial does not constitute a waiver of the claim. See, *e. g., United States ex rel. Angelet* v. *Fay*, 333 F. 2d 12, 16 (C. A. 2d Cir. 1964), aff'd, 381 U.S. 654 (1965). Cf. *Ziffrin, Inc.* v. *United States*, 318 U.S. 73, 78 (1943).

[70] Because of this disposition of the case, the California Supreme Court did not reach the claims that the confession was coerced by police threats to hold his ailing wife in custody until he confessed, that there was no hearing as required by *Jackson* v. *Denno*, 378 U.S. 368 (1964), and that the trial judge gave an instruction condemned by the California Supreme Court's decision in *People* v. *Morse*, 60 Cal. 2d 631, 388 P. 2d 33, 36 Cal. Rptr. 201 (1964).

[71] After certiorari was granted in this case, respondent moved to dismiss on the ground that there was no final judgment from which the State could appeal since the judgment below directed that he be retried. In the event respondent was successful in obtaining an acquittal on retrial, however, under California law the State would have no appeal. Satisfied that in these circumstances the decision below constituted a final judgment under 28 U.S.C. § 1257 (3) (1964 ed.), we denied the motion. 383 U.S. 903.

[1] *E. g.*, Inbau and Reid, Criminal Interrogation and Confessions (1962); O'Hara, Fundamentals of Criminal Interrogation (1956); Dienstein, Technics for the Crime Investigator (1952); Mulbar, Interrogation (1951); Kidd, Police Interrogation (1940).

much less in universal use in crime detection. Moreover, the examples of police brutality mentioned by the Court are rare exceptions to the thousands of cases that appear every year in the law reports.[2] The police agencies—all the way from municipal and state forces to the federal bureaus—are responsible for law enforcement and public safety in this country. I am proud of their efforts, which in my view are not fairly characterized by the Court's opinion.

I

The *ipse dixit* of the majority has no support in our cases. Indeed, the Court admits that "we might not find the defendants' statement [here] to have been involuntary in traditional terms." *Ante*, p. ——. In short, the Court has added more to the requirements that the accused is entitled to consult with his lawyer and that he must be given the traditional warning that he may remain silent and that anything that he says may be used against him. *Escobedo* v. *Illinois*, 378 U. S. 478, 490–491 (1964). Now, the Court fashions a constitutional rule that the police may engage in no custodial interrogation without additionally advising the accused that he has a right under the Fifth Amendment to the presence of counsel during interrogation and that, if he is without funds, that counsel will be furnished him. When at any point during an interrogation the accused seeks affirmatively or impliedly to invoke his rights to silence or counsel, interrogation must be forgone or postponed. The Court further holds that failure to follow the new procedures requires inexorably the exclusion of any statement by the accused, as well as the fruits thereof. Such a strict constitutional specific inserted at the nerve center of crime detection may well kill the patient.[3] Since there is at this time a paucity of information and an almost total lack of empirical knowledge on the practical operation of requirements, truly comparable to those announced by the majority, I would be more restrained lest we go too far too fast.

II

Custodial interrogation has long been recognized as "undoubtedly an essential tool in effective law enforcement." *Haynes* v. *Washington*, 373 U. S. 503, 515 (1963). Recognition of this fact should put us on guard against the promulgation of doctrinaire rules. Especially is this true where the Court finds that "the Constitution has prescribed" its holding and where the light of our past cases, from *Hopt* v. *Utah*, 110 U.S. 574, (1884), down to *Haynes* v. *Washington*, *supra*, are to the contrary. Indeed, even in *Escobedo* the Court never hinted that an affirmative "waiver" was a prerequisite to questioning; that the burden of proof as to waiver was on the prosecution; that the presence of counsel—absent a waiver—during interrogation was required; that a waiver can be withdrawn at the will of the accused; that counsel must be furnished during an accusatory stage to those unable to pay; nor that admissions and exculpatory statements are "confessions." To require all those things at one gulp should cause the Court to choke over more cases than *Crooker* v. *California*, 357 U. S. 433 (1958) and *Cicenia* v. *Lagay*, 357 U. S. 504 (1958), which it expressly overrules today.

The rule prior to today—as Mr. Justice Goldberg, the author of the Court's opinion in *Escobedo*, stated it in *Haynes* v. *Washington*—depended upon "a totality of circumstances evidencing an involuntary . . . admission of guilt." 373 U.S., at 514. And he concluded:

"Of course, detection and solution of crime is, at best, a difficult and arduous task requiring determination and persistence on the part of all responsible officers charged with the duty of law enforcement. And, certainly, we do not mean to suggest that all interrogation of witnesses and suspects is impermissible. Such questioning is undoubtedly an essential tool in effective law enforcement. The line between proper and permissible police conduct and techniques and methods offensive to due process is, at best, a difficult one to draw, particularly in cases such as this where it is necessary to make fine judgments as to the effect of psychologically coercive pressures and inducement on the mind and will of an accused. . . . We are here impelled to the conclusion, from all of the facts presented, that the bounds of due process have been exceeded." *Id.*, at 515.

III

I would continue to follow that rule. Under the "totality of circumstances" rule of which my Brother Goldberg spoke in *Haynes*, I would consider in each case whether the police officer prior to custodial interrogation added the warning that the suspect might have counsel present at the interrogation and, further, that a court would appoint one at his request if he was too poor to employ counsel. In the absence of warnings, the burden would be on the State to prove that counsel was knowingly and intelligently waived or that in the totality of the circumstances, including the failure to give the necessary warnings, the confession was clearly voluntary.

Rather than employing the arbitrary Fifth Amendment rule[4] which the Court lays down I would follow the more pliable dictates of Due Process Clauses of the Fifth and Fourteenth Amendments which we are accustomed to administering and which we know from our cases are effective instruments in protecting persons in police custody. In this way we would not be acting in the dark nor in one full sweep changing the traditional rules of custodial interrogation which this Court has for so long recognized as a justifiable and proper tool in balancing individual rights against the rights of society. It will be soon enough to go further when we are able to appraise with somewhat better accuracy the effect of such a holding.

I would affirm the convictions in *Miranda* v. *Arizona*, No. 759; *Vignera* v. *New York*, No. 760; and *Westover* v. *United States*, No. 761. In each of those cases I find from the circumstances no warrant for reversal. In *California* v. *Stewart*, No. 584, I would dismiss the writ of certiorari for want of a final judgment, 28 U.S.C. § 1257(3) (1964); but if the merits are to be reached I would affirm on the ground that the State failed to fulfill its burden, in the absence of a showing that appropriate warnings were given, of proving a waiver or a totality of circumstances showing voluntariness. Should there be a retrial, I would leave the State free to attempt to prove these elements.

SUPREME COURT OF THE UNITED STATES—Nos. 759, 760, 761 AND 584.—OCTOBER TERM, 1965

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Carl Calvin Westover, Petitioner 761 *v.* United States. On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

State of California, Petitioner, 584 *v.* Roy Allen Stewart. On Writ of Certiorari to the Supreme Court of the State of California.

[June 13, 1966]

MR. JUSTICE HARLAN, whom MR. JUSTICE STEWART and MR. JUSTICE WHITE join, dissenting.

I believe the decision of the Court represents poor constitutional law and entails harmful consequences for the country at large. How serious these consequences may prove to be only time can tell. But the basic flaws in the Court's justification seem to me readily apparent now once all sides of the problem are considered.

I. INTRODUCTION

At the outset, it is well to note exactly what is required by the Court's new constitutional code of rules for confessions. The foremost requirement, upon which later admissibility of a confession depends, is that a four-fold warning be given to a person in custody before he is questioned: namely, that he has a right to remain silent, that anything he says may be used against him, that he has a right to have present an attorney during the questioning, and that if indigent he has a right to a lawyer without charge. To forgo these rights, some affirmative statement of rejection is seemingly required, and threats, tricks, or cajolings to obtain this waiver are forbidden. If before or during questioning the suspect seeks to invoke his right to remain silent, interrogation must be forgone or cease; a request for counsel brings about the same result until a lawyer is procured. Finally, there are a miscellany of minor directives, for example, the burden of proof of waiver is on the State, admissions and exculpatory statements are treated just like confessions, withdrawal of a waiver is always permitted, and so forth.[1]

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[2] As developed by my Brother HARLAN, *post*, pp. —, —, such cases, with the exception of the long-discredited decision in *Bram* v. *United States*, 168 U.S. 532 (1897), were adequately treated in terms of due process.

[3] The Court points to England, Scotland, Ceylon and India as having equally rigid rules. As my Brother HARLAN points out, *post*, pp. —, —, the Court is mistaken in this regard, for it overlooks counterbalancing prosecutorial advantages. Moreover, the requirements of the Federal Bureau of Investigation do not appear from the Solicitor General's letter, *ante*, pp. —, —, to be as strict as those imposed today in at least two respects: (1) The offer of counsel is articulated only as "a right to counsel"; nothing is said about a right to have counsel present at the custodial interrogation. (See also the examples cited by the Solicitor General, *Westover* v. *United States*, 342 F. 2d 684, 685 (1965) ("right to consult counsel"); *Jackson* v. *United States*, 337 F. 2d 136, 138 (1964) (accused "entitled to an attorney").) Indeed, the practice is that whenever the suspect "decides that he wishes to consult counsel before making a statement, the interview is terminated at that point . . . When counsel appears in person, he is permitted to confer with his client in private." This clearly indicates that the FBI does not warn that counsel may be present during custodial interrogation. (2) The Solicitor General's letter states: "[T]hose who have been arrested for an offense under FBI jurisdiction, or whose arrest is contemplated following the interview, [are advised] of a right to free counsel *if* they are unable to pay, and the availability of such counsel from the Judge." So phrased, this warning does not indicate that the agent will secure counsel. Rather, the statement may well be interpreted by the suspect to mean that the burden is placed upon himself and that he may have counsel appointed only when brought before the judge or at trial—but not at custodial interrogation. As I view the FBI practice, it is not as broad as the one laid down today by the Court.

[4] In my view there is "no significant support" in our cases for the holding of the Court today that the Fifth Amendment privilege, in effect, forbids custodial interrogation. For a discussion of this point see the dissenting opinion of my Brother WHITE, *post*, pp. —, —.

[1] My discussion in this opinion is directed to the main questions decided by the Court

While the fine points of this scheme are far less clear than the Court admits, the tenor is quite apparent. The new rules are not designed to guard against police brutality or other unmistakably banned forms of coercion. Those who use third-degree tactics and deny them in court are equally able and destined to lie as skillfully about warnings and waivers. Rather, the thrust of the new rules is to negate all pressures, to reinforce the nervous or ignorant suspect, and ultimately to discourage any confession at all. The aim in short is toward "voluntariness" in a utopian sense, or to view it from a different angle, voluntariness with a vengeance.

To incorporate this notion into the Constitution requires a strained reading of history and precedent and a disregard of the very pragmatic concerns that alone may on occasions justify such strains. I believe that reasoned examination will show that the Due Process Clauses provide an adequate tool for coping with confessions and that, even if the Fifth Amendment privilege against self-incrimination be invoked, its precedents taken as a whole do not sustain the present rules. Viewed as a choice based on pure policy, these new rules prove to be a highly debatable if not one-sided appraisal of the competing interests, imposed over widespread objection, at the very time when judicial restraint is most called for by the circumstances.

II. CONSTITUTIONAL PREMISES

It is most fitting to begin an inquiry into the constitutional precedents by surveying the limits on confessions the Court has evolved under the Due Process Clause of the Fourteenth Amendment. This is so because these cases show that there exists a workable and effective means of dealing with confessions in a judicial manner; because the cases are the baseline from which the Court now departs and so serve to measure the actual as opposed to the professed distance it travels; and because examination of them helps reveal how the Court has coasted into its present position.

The earliest confession cases in this Court emerged from federal prosecutions and were settled on a nonconstitutional basis, the Court adopting the common-law rule that the absence of inducements, promises, and threats made a confession voluntary and admissible. *Hopt v. Utah*, 110 U.S. 574; *Pierce v. United States*, 160 U. S. 355. While a later case said the Fifth Amendment privilege controlled admissibility, this proposition was not itself developed in subsequent decisions.[2] The Court did, however, heighten the test of admissibility in federal trials to one of voluntariness "in fact," *Wan v. United States*, 266 U.S. 1, 14 (quoted, *ante*, p. 24), and then by and large left federal judges to apply the same standards the Court began to derive in a string of state court cases.

This new line of decisions, testing admissibility by the Due Process Clause, began in 1936 with *Brown v. Mississippi*, 297 U. S. 278, and must now embrace somewhat more than 30 full opinions of the Court.[3] While the voluntariness rubric was repeated in many instances, *e. g., Lyons v. Oklahoma*, 322 U. S. 596, the Court never pinned it down to a single meaning but on the contrary infused it with a number of different values. To travel quickly over the main themes, there was an initial emphasis on reliability, *e. g., Ward v. Texas*, 316 U. S. 547, supplemented by concern over the legality and fairness of the police practices, *e. g., Ashcraft v. Tennessee*, 322 U. S. 143, in an "accusatorial" system of law enforcement, *Watts v. Indiana*, 338 U. S. 49, 54, and eventually by close attention to the individual's state of mind and capacity for effective choice, *e. g., Gallegos v. Colorado*, 370 U. S. 49. The outcome was a continuing re-evaluation on the facts of each case of *how much* pressure on the suspect was permissible.[4]

Among the criteria often taken into account were threats or imminent danger, *e. g., Payne v. Arkansas*, 356 U. S. 560, physical deprivations such as lack of sleep or food, *e. g., Reck v. Pate*, 367 U. S. 433, repeated or extended interrogation, *e. g., Chambers v. Florida*, 309 U. S. 227, limits on access to counsel or friends, *Crooker v. California*, 357 U. S. 433; *Cicenia v. Lagay*, 357 U. S. 504, length and illegality of detention under state law, *e. g., Haynes v. Washington*, 373 U. S. 503, and individual weakness or incapacities, *Lynumn v. Illinois*, 372 U. S. 528. Apart from direct physical coercion, however, no single default or fixed combination of them guaranteed exclusion, and synopses of the cases would serve little use because the overall gauge has been steadily changing, usually in the direction of restricting admissibility. But to mark just what point had been reached before the Court jumped the rails in *Escobedo v. Illinois*, 378 U. S. 478, it is worth capsulizing the then-recent case of *Haynes v. Washington*, 373 U. S. 573. There, Haynes had been held some 16 or more hours in violation of state law before signing the disputed confession, had received no warnings of any kind, and despite requests had been refused access to his wife or to counsel, the police indicating that access would be allowed after a confession. Emphasizing especially this last inducement and rejecting some contrary indicia of voluntariness, the Court in a 5-to-4 decision held the confession inadmissible.

There are several relevant lessons to be drawn from this constitutional history. The first is that with over 25 years of precedent the Court has developed an elaborate, sophisticated, and sensitive approach to admissibility of confessions. It is "judicial" in its treatment of one case at a time, see *Culombe v. Connecticut*, 367 U.S. 568, 635 (concurring opinion of THE CHIEF JUSTICE), flexible in its ability to respond to the endless mutations of fact presented, and ever more familiar to the lower courts. Of course, strict certainty is not obtained in this developing process, but this is often so with constitutional principles, and disagreement is usually confined to that borderland of close cases where it matters least.

The second point is that in practice and from time to time in principle, the Court has given ample recognition to society's interest in suspect questioning as an instrument of law enforcement. Cases countenancing quite significant pressures can be cited without difficulty,[5] and the lower courts may often have been yet more tolerant. Of course the limitations imposed today were rejected by necessary implication in case after case, the right to warnings having been explicitly rebuffed in this Court many years cently as *Haynes v. Washington*, 373 U.S. 503, *Wilson v. United States*, 162 U.S. 613. As recently as *Haynes v. Washington*, 373 U. S. 503, 515, the Court openly acknowledged that questioning of witnesses and suspects "is undoubtedly an essential tool in effective law enforcement." Accord, *Crooker v. California*, 357 U.S. 433, 441.

Finally, the cases disclose that the language in many of the opinions overstates the actual course of decision. It has been said, for example, that an admissible confession must be made by the suspect "in the unfettered exercise of his own will," *Malloy v. Hogan*, 378 U.S. 1, 8, and that "a prisoner is not 'to be made the deluded instrument of his own conviction,'" *Culombe v. Connecticut*, 367 U.S. 568, 581 (Frankfurter, J., announcing the Court's judgment and an opinion). Though often repeated, such principles are rarely observed in full measure. Even the word "voluntary" may be deemed somewhat misleading, especially when one considers many of the confessions that have been brought under its umbrella. See, *e.g., supra*, n. 5. The tendency to overstate may be laid in part to the flagrant facts often before the Court; but in all events one must recognize how it has tempered attitudes and lent some color of authority to the approach now taken by the Court.

I turn now to the Court's asserted reliance on the Fifth Amendment, an approach which I frankly regard as a *trompe l'oeil*. The Court's opinion in my view reveals no adequate basis for extending the Fifth Amendment's privilege against self-incrimination to the police station. Far more important, it fails to show that the Court's new rules are well supported, let alone compelled, by Fifth Amendment precedents. Instead, the new rules actually derive from quotation and analogy drawn from precedents under the Sixth Amendment, which should properly have no bearing on police interrogation.

The Court's opening contention, that the Fifth Amendment governs police station confessions, is perhaps not an impermissible extension of the law but it has little to commend itself in the present circumstances. Historically, the privilege against self-incrimination did not bear at all on the use of extra-legal confessions, for which distinct standards evolved; indeed, "the *history* of the two principles is wide apart, differing by 100 years in origin, and derived through separate lines of precedents . . . ." 8 Wigmore, Evidence § 2266, at 401 (McNaughton rev. 1961). Practice under the two doctrines has also differed in a number of important respects.[6]

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and necessary to its decision; in ignoring some of the collateral points, I do not mean to imply agreement.

[2] The case was *Bram v. United States*, 168 U.S. 532 (quoted, *ante*, p. 23). Its historical premises were afterwards disproved by Wigmore, who concluded "that no assertions could be more unfounded." 3 Wigmore, Evidence § 823, at 250, n. 5 (3d ed. 1940). The Court in *United States v. Carignan*, 342 U.S. 36, 41, declined to choose between *Bram* and Wigmore, and *Stein v. New York*, 346 U.S. 156, 191, n. 35, cast further doubt on *Bram*. There are, however, several Court opinions which assume in dicta the relevance of the Fifth Amendment privilege to confessions. *Burdeau v. McDowell*, 256 U.S. 465, 475; see *Shotwell Mfg. Co. v. United States*, 371 U.S. 341, 347. On *Bram* and the federal confession cases generally, see Developments in the Law—Confessions, 79 Harv. L. Rev. 935, 959–961 (1966).

[3] Comment, 31 U. Chi. L. Rev. 313 & n. 1 (1964), states that by the 1963 Term 33 state coerced confession cases had been decided by this Court, apart from *per curiams*. *Spano v. New York*, 360 U.S. 315, 321, n. 2, collects 28 cases.

[4] Bator & Vorenberg, Arrest, Detention, Interrogation and the Right to Counsel, 66 Col. L. Rev. 62, 73 (1966): "In fact, the concept of involuntariness seems to be used by the courts as a shorthand to refer to practices which are repellent to civilized standards of decency or which, under the circumstances, are thought to apply a degree of pressure to an individual which unfairly impairs his capacity to make a rational choice." See Herman, The Supreme Court and Restrictions on Police Interrogation, 25 Ohio St. L. J. 449, 452–458 (1964); Developments, *supra*, n. 2, at 964–984.

[5] See the cases synopsized in Herman, *supra*, n. 4, at 456, nn. 36–39. One not too distant example is *Stroble v. California*, 343 U.S. 181, in which the suspect was kicked and threatened after his arrest, questioned a little later for two hours, and isolated from a lawyer trying to see him; the resulting confession was held admissible.

[6] Among the examples given in 8 Wigmore, Evidence § 2266, at 401 (McNaughton rev. 1961), are these: the privilege applies to any witness, civil or criminal, but the confes-

Even those who would readily enlarge the privilege must concede some linguistic difficulties since the Fifth Amendment in terms proscribes only compelling any person "in any criminal case to be a witness against himself." Cf. Kamisar, Equal Justice in The Gatehouses and Mansions of American Criminal Procedure, in Criminal Justice in Our Time 25–26 (1965).

Though weighty, I do not say these points and similar ones are conclusive, for as the Court reiterates the privilege embodies basic principles always capable of expansion.[7] Certainly the privilege does represent a protective concern for the accused and an emphasis upon accusatorial rather than inquisitorial values in law enforcement, although this is similarly true of other limitations such as the grand jury requirement and the reasonable doubt standard. Accusatorial values, however, have openly been absorbed into the due process standard governing confessions; this indeed is why at present "the kinship of the two rules [governing confessions and self-incrimination] is too apparent for denial." McCormick, Evidence 155 (1954). Since extension of the general principle has already occurred, to insist that the privilege applies as such serves only to carry over inapposite historical details and engaging rhetoric and to obscure the policy choices to be made in regulating confessions.

Having decided that the Fifth Amendment privilege does apply in the police station, the Court reveals that the privilege imposes more exacting restrictions than does the Fourteenth Amendment's voluntariness test.[8] It then emerges from a discussion of *Escobedo* that the Fifth Amendment requires for an admissible confession that it be given by one distinctly aware of his right not to speak and shielded from "the compelling atmosphere" of interrogation. See *ante*, pp. 27–28. From these key premises, the Court finally develops the safeguards of warning, counsel, and so forth. I do not believe these premises are sustained by precedents under the Fifth Amendment.[9]

The more important premise is that pressure on the suspect must be eliminated though it be only the subtle influence of the atmosphere and surroundings. The Fifth Amendment, however, has never been thought to forbid *all* pressure to incriminate one's self in the situations covered by it. On the contrary, it has been held that failure to incriminate one's self can result in denial of removal of one's case from state to federal court, *Maryland* v. *Soper*, 270 U.S. 9; in refusal of a military commission, *Orloff* v. *Willoughby*, 345 U.S. 83; in denial of a discharge in bankruptcy, *Kaufman* v. *Hurwitz*, 176 F. 2d 210; and in numerous other adverse consequences. See 8 Wigmore, Evidence § 2272, at 440–444, n. 17 (McNaughton rev. 1961); Maguire, Evidence of Guilt § 2.062 (1959). This is not to say that short of jail or torture any sanction is permissible in any case; policy and history alike may impose sharp limits. See *e. g.*, *Griffin* v. *California*, 380 U.S. 609. However, the Court's unspoken assumption that *any* pressure violates the privilege is not supported by the precedents and it has failed to show why the Fifth Amendment prohibits that relatively mild pressure the Due Process Clause permits.

The Court appears similarly wrong in thinking that precise knowledge of one's rights is a settled prerequisite under the Fifth Amendment to the loss of its protections. A number of lower federal court cases have held that grand jury witnesses need not always be warned of their privilege, *e. g.*, *United States* v. *Scully*, 225 F. 2d 113, 116, and Wigmore states this to be the better rule for trial witnesses. See 8 Wigmore, Evidence § 2269 (McNaughton rev. 1961). Cf. *Henry* v. *Mississippi*, 379 U.S. 443, 451–452 (waiver of constitutional rights by counsel despite defendant's ignorance held allowable). No Fifth Amendment precedent is cited for the Court's contrary view. There might of course be reasons apart from Fifth Amendment precedent for requiring a warning or any other safeguard on questioning but that is a different matter entirely. See *infra*, pp. 13–15.

A closing word must be said about the Assistance of Counsel Clause of the Sixth Amendment, which is never expressly relied on by the Court but whose judicial precedents turn out to be linchpins of the confession rules announced today. To support its requirement of a knowing and intelligent waiver, the Court cites to *Johnson* v. *Zerbst*, 304 U.S. 458, *ante*, p. 37; appointment of counsel for the indigent suspect is tied to *Gideon* v. *Wainwright*, 372 U.S. 335, and *Douglas* v. *California*, 372 U.S. 353, *ante*, p. 35; the silent-record doctrine is borrowed from *Carnley* v. *Cochran*, 369 U.S. 506, *ante*, p. 37, as is the right to an express offer of counsel, *ante*, p. 33. All these cases imparting glosses to the Sixth Amendment concerned counsel at trial or on appeal. While the Court finds no pertinent difference between judicial proceedings and police interrogation, I believe the differences are so vast as to disqualify wholly the Sixth Amendment precedents as suitable analogies in the present cases.[10]

The only attempt in this Court to carry the right to counsel into the station house occurred in *Escobedo*, the Court repeating several times that that stage was no less "critical" than trial itself. See 378 U.S., 485–488. This is hardly persuasive when we consider that a grand jury inquiry, the filing of a certiorari petition, and certainly the purchase of narcotics by an undercover agent from a prospective defendant may all be equally "critical" yet provision of counsel and advice on that score have never been thought compelled by the Constitution in such cases. The sound reason why this right is so freely extended for a criminal trial is the severe injustice risked by confronting an untrained defendant with a range of technical points of law, evidence, and tactics familiar to the prosecutor but not to himself. This danger shrinks markedly in the police station where indeed the lawyer in fulfilling his professional responsibilities of necessity may become an obstacle to truthfinding. See *infra*, n. 12. The Court's summary citation of the Sixth Amendment cases here seems to me best described as "the domino method of constitutional adjudication . . . wherein every explanatory statement in a previous opinion is made the basis for extension to a wholly different situation." Friendly, *supra*, N. 10, at 950.

III. POLICY CONSIDERATIONS

Examined as an expression of public policy, the Court's new regime proves so dubious that there can be no due compensation for its weakness in constitutional law. Foregoing discussion has shown, I think, how mistaken is the Court in implying that the Constitution has struck the balance in favor of the approach the Court takes. *Ante*, p. 41. Rather, precedent reveals that the Fourteenth Amendment in practice has been construed to strike a different balance, that the Fifth Amendment gives the Court little solid support in this context, and that the Sixth Amendment should have no bearing at all. Legal history has been stretched before to satisfy deep needs of society. In this instance, however, the Court has not and cannot make the powerful showing that its new rules are plainly desirable in the context of our society, something which is surely demanded before those rules are engrafted onto the Constitution and imposed on every State and county in the land.

Without at all subscribing to the generally black picture of police conduct painted by the Court, I think it must be frankly recognized at the outset that police questioning allowable under due process precedents may inherently entail some pressure on the suspect and may seek advantage in his ignorance or weaknesses. The atmosphere and questioning techniques, proper and fair though they be, can in themselves exert a tug on the suspect to confess, and in this light "[t]o speak of any confessions of crime made after arrest as being 'voluntary' or 'uncoerced' is somewhat inaccurate, although traditional. A confession is wholly and incontestably voluntary only if a guilty person gives himself up to the law and becomes his own accuser." *Ashcraft* v. *Tennessee*, 322 U.S. 143, 161 (Jackson, J., dissenting). Until today, the role of the Constitution has been only to sift out *undue* pressure, not to assure spontaneous confessions.[11]

The Court's new rules aim to offset these minor pressures and disadvantages intrinsic to any kind of police interrogation. The rules do not serve due process interests in preventing blatant coercion since, as I noted earlier, they do nothing to contain the policeman who is prepared to lie from the start. The rules work for reliability in confessions almost only in the Pickwickian sense that they can prevent some from being given at all.[12] In short, the benefit of this new regime

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sion rule protects only criminal defendants; the privilege deals only with compulsion, while the confession rule may exclude statements obtained by trick or promise; and where the privilege has been nullified—as by the English Bankruptcy Act—the confession rule may still operate.

[7] Additionally, there are precedents and even historical arguments that can be arrayed in favor of bringing extra-legal questioning within the privilege. See generally Maguire, Evidence of Guilt § 2.03, at 15–16 (1959).

[8] This, of course, is implicit in the Court's introductory announcement that "[o]ur decision in *Malloy* v. *Hogan*, 378 U.S. 1 (1964) [extending the Fifth Amendment privilege to the States] necessitates an examination of the scope of the privilege in state cases as well." *Ante*, p. 25. It is also inconsistent with *Malloy* itself, in which extension of the Fifth Amendment to the States rested in part on the review that the Due Process Clause restriction on state confessions has in recent years been "the same standard" as that imposed in federal prosecutions assertedly by the Fifth Amendment, 378 U.S., at 7.

[9] I lay aside *Escobedo* itself; it contains no reasoning or even general conclusions addressed to the Fifth Amendment and indeed its citation in this regard seems surprising in view of *Escobedo*'s primary reliance on the Sixth Amendment.

[10] Since the Court conspicuously does not assert that the Sixth Amendment itself warrants it new police-interrogation rules, there is no reason now to draw out the extremely powerful historical and precedential evidence that the Amendment will bear no such meaning. See generally Friendly, The Bill of Rights as a Code of Criminal Procedure, 53 Calif. L. Rev. 929, 943–948 (1965).

[11] See *supra*, n. 4, and text. Of course, the use of terms like voluntariness involves questions of law and terminology quite as much as questions of fact. See *Collins* v. *Beto*, 348 F. 2d 823, 832 (concurring opinion); Bator & Vorenberg, *supra*, n. 4, at 72–73.

[12] The Court's vision of a lawyer "mitigat[ing] the dangers of untrustworthiness" (*ante*, p. 32) by witnessing coercion and assisting accuracy in the confession is largely a fancy; for if counsel arrives, there is rarely going to be a police station confession. *Watts* v. *Indiana*, 338 U.S. 49, 59 (separate opinion of Jackson, J.): "[A]ny lawyer worth his salt will tell the suspect in no uncertain

is simply to lessen or wipe out the inherent compulsion and inequalities to which the Court devotes some nine pages of description. *Ante*, pp. 10–18.

What the Court largely ignores is that its rules impair, if they will not eventually serve wholly to frustrate, an instrument of law enforcement that has long and quite reasonably been thought worth the price paid for it.[13] There can be little doubt that the *Court's new code* would markedly decrease the number of confessions. To warn the suspect that he may remain silent and remind him that his confession may be used in court are minor obstructions. To require also an express waiver by the suspect and an end to questioning whenever he demurs must heavily handicap questioning. And to suggest or provide counsel for the suspect simply invites the end of the interrogation. See, *supra*, n. 12.

How much harm this decision will inflict on law enforcement cannot fairly be predicted with accuracy. Evidence on the role of confessions is notoriously incomplete, see Developments, *supra*, n. 2, at 941–944, and little is added by the Court's reference to the FBI experience and the resources believed wasted in interrogation. See *infra*, n. 19, and text. We do know that some crimes cannot be solved without confessions, that ample expert testimony attests to their importance in crime control,[14] and that the Court is taking a real risk with society's welfare in imposing its new regime on the country. The social costs of crime are too great to call the new rules anything but a hazardous experimentation.

While passing over the costs and risks of its experiment, the Court portrays the evils of normal police questioning in terms which I think are exaggerated. Albeit stringently confined by the due process standards interrogation is no doubt often inconvenient and unpleasant for the suspect. However, it is no less so for a man to be arrested and jailed, to have his house searched, or to stand trial in court, yet all this may properly happen to the most innocent given probable cause a warrant, or an indictment. Society has always paid a stiff price for law and order, and peaceful interrogation is not one of the dark moments of the law.

This brief statement of the competing considerations seems to me ample proof that the Court's preference is highly debatable at best and therefore not to be read into the Constitution. However, it may make the analysis more graphic to consider the actual facts of one of the four cases reversed by the Court. *Miranda* v. *Arizona* serves best, being neither the hardest nor easiest of the four under the Court's standards.[15]

On March 3, 1963, an 18-year-old girl was kidnapped and forcibly raped near Phoenix, Arizona. Ten days later, on the morning of March 13, petitioner Miranda was arrested and taken to the police station. At this time Miranda was 23 years old, indigent, and educated to the extent of completing half the ninth grade. He had "an emotional illness" of the schizophrenic type, according to the doctors who eventually examined him; the doctor's report also stated that Miranda was "alert and oriented as to time, place, and person," intelligent within normal limits, competent to stand trial, and sane within the legal definition. At the police station, the victim picked Miranda out of a lineup, and two officers then took him into a separate room to interrogate him, starting about 11:30 a.m. Though at first denying his guilt, within a short time Miranda gave a detailed oral confession, and then wrote out in his own hand and signed a brief statement admitting and describing the crime. All this was accomplished in two hours or less without any force, threats or promises and—I will assume this though the record is uncertain, *ante*, 53–54 & nn. 66–67—without any effective warnings at all.

Miranda's oral and written confessions are now held inadmissible under the Court's new rules. One is entitled to feel astonished that the Constitution can be read to produce this result. These confessions were obtained during brief, daytime questioning conducted by two officers and unmarked by any of the traditional indicia of coercion. They assured a conviction for a brutal and unsettling crime, for which the police had and quite possibly could obtain little evidence other than the victim's identifications, evidence which is frequently unreliable. There was, in sum, a legitimate purpose, no perceptible unfairness, and certainly little risk of injustice in the interrogation. Yet the resulting confessions, and the responsible course of police practice they represent, are to be sacrificed to the Court's own finespun conception of fairness which I seriously doubt is shared by many thinking citizens in this country.[16]

The tenor of judicial opinion also falls well short of supporting the Court's new approach. Although *Escobedo* has widely been interpreted as an open invitation to lower courts to rewrite the law of confessions, a significant heavy majority of the state and federal decisions in point have sought quite narrow interpretations.[17] Of the courts that have accepted the invitation, it is hard to know how many have felt compelled by their best guess as to this Court's likely construction; but none of the state decisions saw fit to rely on the state privilege against self-incrimination, and no decision at all has gone as far as this Court goes today.[18]

It is also instructive to compare the attitude in this case of those responsible for law enforcement with the official views that existed when the Court undertook three major revisions of prosecutorial practice prior to this case, *Johnson* v. *Zerbst*, 304 U.S. 458, *Mapp*. v. *Ohio*, 367 U.S. 643, and *Gideon* v. *Wainwright*, 372 U.S. 335. In *Johnson*, which established that appointed counsel must be offered the indigent in federal criminal trials, the Federal Government all but conceded the basic issue, which had in fact been recently fixed as Department of Justice policy. See Beany, Right to Counsel 29–30, 36–42 (1955). In *Mapp*, which imposed the exclusionary rule on the States for Fourth Amendment violations, more than half of the States had themselves already adopted some such rule. See 367 U.S., at 651. In *Gideon*, which extended *Johnson* v. *Zerbst* to the States, an *amicus* brief was filed by 22 States and Commonwealths urging that course; only two States beside the respondent came forward to protest. See 372 U.S., at 345. By contrast, in this case new restrictions on police questioning have been opposed by the United States and in an *amicus* brief signed by 27 States and Commonwealths, not including the three other States who are parties. No State in the country has urged this Court to impose the newly announced rules, nor has any State chosen to go nearly so far on its own.

The Court in closing its general discussion invokes the practice in federal and foreign jurisdictions as lending weight to its new curbs on confessions for all the States. A brief résumé will suffice to show that none of these jurisdictions has struck so one-sided a balance as the Court does today. Heaviest reliance is placed on the FBI practice. Differing circumstances may make this comparison quite untrustworthy,[19] but in all events the FBI falls sensibly short of the Court's formalistic rules. For example, there is no indication that FBI agents must obtain an affirmative "waiver" before they pursue their questioning. Nor is it clear that one invoking his right to silence may not be prevailed upon to change his mind. And the warning as to appointed counsel apparently indicates only that one will be assigned by the judge when the suspect appears before him; the thrust of the Court's rules is to induce the suspect to obtain appointed counsel before continuing the interview. See *ante*, pp. 46–48. Apparently American military practice, briefly mentioned by the Court, has these same limits and is still less favorable to the suspect than the FBI warning, making no mention of appointed counsel. Developments, *supra*, n. 2, at 1084–1089.

The law of the foreign countries described by the Court also reflects a more moderate conception of the rights of the accused as against those of society when other data is

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terms to make no statement to police under any circumstances." See Enker & Elsen, Counsel for the Suspect, 49 Minn. L. Rev. 47, 66–68 (1964).

[13] This need is, of course, what makes so misleading the Court's comparison of a probate judge readily setting aside as involuntary the will of an old lady badgered and beleaguered by the new heirs. *Ante*, pp. 19–20, n. 26. With wills, there is no public interest save in a totally free choice; with confessions, the solution of crime is a countervailing gain, however the balance is resolved.

[14] See, *e.g.*, the voluminous citations to congressional committee testimony and other sources collected in *Culombe* v. *Connecticut*, 367 U.S. 568, 578–579 (Frankfurter, J., announcing the Court's judgment and an opinion).

[15] In *Westover*, a seasoned criminal was practically given the Court's full complement of warnings and did not heed them. The *Stewart* case, on the other hand, involves long detention and successive questioning. In *Vignera*, the facts are complicated and the record somewhat incomplete.

[16] "[J]ustice, though due to the accused, is due to the accuser also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true." *Snyder* v. *Massachusetts*, 291 U.S. 97, 122 (Cardozo, J.).

[17] A narrow reading is given in: *United States* v. *Robinson*, 354 F. 2d 109 (C. A. 2d Cir.); *Davis* v. *North Carolina*, 339 F. 2d 770 (C. A. 4th Cir.); *Edwards* v. *Holman*, 342 F. 2d 679 (C. A. 5th Cir.); *United States ex rel. Townsend* v. *Ogilvie*, 334 F. 2d 837 (C. A. 7th Cir.); *People* v. *Hartgraves*, 31 Ill. 2d 375, 202 N. E. 2d 33; *State* v. *Fox*, 131 N. W. 2d 684 (Iowa); *Rowe* v. *Commonwealth*, 394 S. W. 2d 751 (Ky.); *Parker* v. *Warden*, 203 A. 2d 418 (Md.); *State* v. *Howard*, 383 S. W. 2d 701 (Mo.); *Bean* v. *State*, 398 P. 2d 251 (Nev.); *Hodgson* v. *New Jersey*, 44 N. J. 151, —— A. 2d ——; *People* v. *Gunner*, 15 N. Y. 2d 226, 205 N. E. 2d 852; *Commonwealth ex rel. Linde* v. *Maroney*, 416 Pa. 331, 206 A. 2d 288; *Browne* v. *State*, 24 Wis. 2d 491, 131 N. W. 2d 169.

An ample reading is given in: *United States ex rel. Russo* v. *New Jersey*, 351 F. 2d 429 (C. A. 3d Cir.); *Wright* v. *Dickson*, 336 F. 2d 878 (C. A. 9th Cir.); *People* v. *Dorado*, 62 Cal. 2d 338, 398 P. 2d 361; *State* v. *Dufour*, 206 A. 2d 82 (R. I.); *State* v. *Neely*, 229 Ore. 487, 395 P. 2d 557, modified, 398 P. 2d 482.

The cases in both categories are those readily available; there are certainly many others.

[18] For instance, compare the requirements of the catalytic case of *People* v. *Dorado*, 62 Cal. 350, 398 P. 2d 361, with those laid down today. See also Traynor, The Devils of Due Process in Criminal Detection, Detention, and Trial, p. 26 (1966 Cardozo Lecture, N. Y. City Bar Ass'n, multilith copy).

[19] The Court's *obiter dictum* notwithstanding, *ante*, p. 48, there is some basis for believing that the staple of FBI criminal work differs importantly from much crime within the ken of local police. The skill and resources of the FBI may also be unusual.

considered. Concededly, the English experience is most relevant. In that country, a caution as to silence but not counsel has long been mandated by the "Judges' Rules," which also place other somewhat imprecise limits on police cross-examination of suspects. However, in the court's discretion confessions can be and apparently quite frequently are admitted in evidence despite disregard of the Judges' Rules, so long as they are found voluntary under the common-law test. Moreover, the check that exists on the use of pretrial statements is counterbalanced by the evident admissibility of fruits of an illegal confession and by the judge's often-used authority to comment adversely on the defendant's failure to testify.[20]

India, Ceylon and Scotland are the other examples chosen by the Court. In India and Ceylon the general ban on police-adduced confessions cited by the Court is subject to a major exception: if evidence is uncovered by police questioning, it is fully admissible at trial along with the confession itself, so far as it relates to the evidence and is not blatantly coerced. See Developments, *supra*, n. 2, at 1106–1110; *Reg.* v. *Ramasamy* (1965) A.C. 1 (P.C.). Scotland's limits on interrogation do measure up to the Court's; however, restrained comment at trial on the defendant's failure to take the stand is allowed the judge, and in many other respects Scotch law redresses the prosecutor's disadvantage in ways not permitted in this country.[21] The Court ends its survey by imputing added strength to our privilege against self-incrimination since, by contrast to other countries, it is embodied in a written Constitution. Considering the liberties the Court has today taken with constitutional history and precedent, few will find this emphasis persuasive.

In closing this necessarily truncated discussion of policy considerations attending the new confession rules, some reference must be made to their ironic untimeliness. There is now in progress in this country a massive reexamination of criminal law enforcement procedures on a scale never before witnessed. Participants in this undertaking include a Special Committee of the American Bar Association, under the chairmanship of Chief Judge Lumbard of the Court of Appeals for the Second Circuit; a distinguished study group of the American Law Institute, headed by Professor Vorenberg of the Harvard Law School; and the President's Commission on Law Enforcement and Administration of Justice, under the leadership of the Attorney General of the United States.[22] Studies are also being conducted by the District of Columbia Crime Commission, the Georgetown Law Center, and by others equipped to do practical research.[23] There are also signs that legislatures in some of the States may be preparing to re-examine the problem before us.[24]

It is no secret that concern has been expressed lest long-range and lasting reforms be frustrated by this Court's too rapid departure from existing constitutional standards. Despite the Court's disclaimer, the practical effect of the decision made today must inevitably be to handicap seriously sound efforts at reform, not least by removing options necessary to a just compromise of competing interests. Of course legislative reform is rarely speedy or unanimous, though this Court has been more patient in the past.[25] But the legislative reforms when they came would have the vast advantage of empirical data and comprehensive study, they would allow experimentation and use of solutions not open to the courts, and they would restore the initiative in criminal law reform to those forums where it truly belongs.

IV. CONCLUSIONS

All four of the cases involved here present express claims that confessions were inadmissible, not because of coercion in the traditional due process sense, but solely because of lack of counsel or lack of warnings concerning counsel and silence. For the reasons stated in this opinion, I would adhere to the due process test and reject the new requirements inaugurated by the Court. On this premise my disposition of each of these cases can be stated briefly.

In two of the three cases coming from state courts, *Miranda* v. *Arizona* (No. 759) and *Vignera* v. *New York* (No. 760), the confessions were held admissible and no other errors worth comment are alleged by petitioners. I would affirm in these two cases. The other state case is *California* v. *Stewart* (No. 584), where the state supreme court held the confession inadmissible and reversed the conviction. In that case I would dismiss the writ of certiorari on the ground that no final judgment is before us, 28 U.S.C. § 1257 (1964 ed.); putting aside the new trial open to the State in any event, the confession itself has not even been finally excluded since the California Supreme Court left the State free to show proof of a waiver. If the merits of the decision in *Stewart* be reached, then I believe it should be reversed and the case remanded so the state supreme court may pass on the other claims available to respondent.

In the federal case, *Westover* v. *United States* (No. 761), a number of issues are raised by petitioner apart from the one already dealt with in this dissent. None of these other claims appears to me tenable, nor in this context to warrant extended discussion. It is urged that the confession was also inadmissible because not voluntary even measured by due process standards and because federal-state cooperation brought the *McNabb-Mallory* rule into play under *Anderson* v. *United States*, 318 U.S. 350. However, the facts alleged fall well short of coercion in my view, and I believe the involvement of federal agents in petitioner's arrest and detention by the State too slight to invoke *Anderson*. I agree with the Government that the admission of the evidence now protested by petitioner was at most harmless error, and two final contentions—one involving weight of the evidence and another improper prosecutor comment—seem to me without merit. I would therefore affirm Westover's conviction.

In conclusion: Nothing in the letter or the spirit of the Constitution or in the precedents squares with the heavy handed and one-sided action that is so precipitously taken by the Court in the name of fulfilling its constitutional responsibilities. The foray which the Court takes today brings to mind the wise and farsighted words of Mr. Justice Jackson in *Douglas* v. *Jeannette*, 319 U.S. 157, 181 (separate opinion): "This Court is forever adding new stories to the temples of constitutional law, and the temples have a way of collapsing when one story too many is added."

SUPREME COURT OF THE UNITED STATES—NOS. 759, 760, 761 AND 584.—OCTOBER TERM, 1965

Ernesto A. Miranda, Petitioner, 759 *v.* State of Arizona. On Writ of Certiorari to the Supreme Court of the State of Arizona.

Michael Vignera, Petitioner, 760 *v.* State of New York. On Writ of Certiorari to the Court of Appeals of the State of New York.

Carl Calvin Westover, Petitioner, 761 *v.* United States. On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

State of California, Petitioner, 584 *v.* Roy Allen Stewart. On Writ of Certiorari to the Supreme Court of the State of California.

[June 13, 1966]

MR. JUSTICE WHITE, with whom MR. JUSTICE HARLAN and MR. JUSTICE STEWART join, dissenting.

I

The proposition that the privilege against self-incrimination forbids in-custody interrogation without the warnings specified in the majority opinion and without a clear waiver of counsel has no significant support in the history of the privilege or in the language of the Fifth Amendment. As for the English authorities and the common-law history, the privilege, firmly established in the second half of the seventeenth century, was never applied except to prohibit compelled judicial interrogations. The rule excluding coerced confessions matured about 100 years later, "[b]ut there is nothing in the reports to suggest that the theory has its roots in the privilege against self-incrimination. And so far as the cases reveal, the privilege, as such, seems to have been given effect only in judicial proceedings, including the preliminary examinations by authorized magistrates." Morgan, The Privilege Against Self-Incrimination, 34 Minn. L. Rev. 1, 18 (1949).

Our own constitutional provision provides that no person "shall be compelled in any criminal case to be a witness against himself." These words, when "[c]onsidered in the light to be shed by grammar and the dictionary . . . appear to signify simply that nobody shall be compelled to give oral testimony against himself in a criminal proceeding under way in which he is defendant." Corwin, The Supreme Court's Construction of the Self-Incrimination Clause, 29 Mich. L. Rev. 1, 2. And there is very little in the surrounding circumstances of the adoption of the Fifth Amendment or in the provisions of the then existing state constitutions or in state practice which would give the constitutional provision any broader meaning. Mayers, The Federal Witness' Privilege Against Self Incrimination: Constitutional or Common-Law? 4 American Journal of Legal History 107 (1960). Such a construction, however, was considerably narrower than the privilege at common law, and when eventually faced with the issues, the Court extended the constitutional privilege to the

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[20] For citations and discussion covering each of these points, see Development, *supra*, n. 2, at 1091–1097, and Enker & Elsen, *supra*, n. 12, at 80 & n. 94.

[21] On comment, see Hardin, Other Answers: Search and Seizure, Coerced Confession, and Criminal Trial in Scotland, 113 U. Pa. L. Rev. 165, 181 and nn. 96–97 (1964). Other examples are less stringent search and seizure rules and no automatic exclusion for violation of them, *id.*, at 167–169; guilt based on majority jury verdicts, *id.*, at 185; and pretrial discovery of evidence on both sides, *id.*, at 175.

[22] Of particular relevance is the ALI's drafting of a Model Code of Pre-Arraignment Procedure, now in its first tentative draft. While the ABA and National Commission studies have wider scope, the former is lending its advice to the ALI project and the executive director of the latter is one of the reporters for the Model Code.

[23] See Brief for the United States in *Westover*, p. 45. The N.Y. Times, June 3, 1966, p. 33 (city ed.) reported that the Ford Foundation has awarded $1,100,000 for a five-year study of arrests and confessions in New York.

[24] The New York Assembly recently passed a bill to require certain warnings before an admissible confession is taken, though the rules are less strict than are the Court's. N.Y. Times, May 24, 1966, p. 35 (late city ed.).

[25] The Court waited 12 years after *Wolf* v. *Colorado*, 338 U.S. 25, declared privacy against improper state intrusions to be constitutionally safeguard before it concluded in *Mapp* v. *Ohio*, 367 U.S. 643, that adequate state remedies had not been provided to protect this interest so the exclusionary rule was necessary.

compulsory production of books and papers, to the ordinary witness before the grand jury and to witnesses generally. *Boyd* v. *United States*, 116 U. S. 616, and *Counselman* v. *Hitchcock*, 142 U. S. 547. Both rules had solid support in common-law history, if not in the history of our own constitutional provision.

A few years later the Fifth Amendment privilege was similarly extended to encompass the then well-established rule against coerced confessions: "In criminal trials, in the courts of the United States, wherever a question arises whether a confession is incompetent because not voluntary, the issue is controlled by that portion of the Fifth Amendment to the Constitution of the United States, commanding that no person 'shall be compelled in any criminal case to be a witness against himself.'" *Bram* v. *United States*, 168 U.S. 532, 542. Although this view has found approval in other cases, *Burdeau* v. *McDowell*, 256 U.S. 465, 475; *Powers* v. *United States*, 223 U.S. 303, 313; *Shotwell* v. *United States*, 371 U.S. 341, 347, it has also been questioned, see *Brown* v. *Mississippi*, 297 U.S. 278, 285; *United States* v. *Carignan*, 342 U.S. 36, 41; *Stein* v. *New York*, 346 U.S. 156, 191, n. 35, and finds scant support in either the English or American authorities, see generally *Regina* v. *Scott*, I Dears. & Bell 47; III Wigmore, Evidence § 823, at 249 ("a confession is not rejected because of any connection with the *privilege against self-crimination*"), 250, n. 5 (particularly criticizing *Bram*) (3d ed. 1940), VIII Wigmore, Evidence § 2266, at 400–401 (McNaughton ed. 1961). Whatever the source of the rule excluding coerced confessions, it is clear that prior to the application of the privilege itself to state courts, *Malloy* v. *Hogan*, 378 U.S. 1, the admissibility of a confession in a state criminal prosecution was tested by the same standards as were applied in federal prosecutions. *Id.*, at 6–7, 10.

Bram, however, itself rejected the proposition which the Court now espouses. The question in *Bram* was whether a confession, obtained during custodial interrogation, had been compelled, and if such interrogation was to be deemed inherently vulnerable, the Court's inquiry could have ended there. After examining the English and American authorities, however, the Court declared that:

"In this Court also it has been settled that the mere fact that the confession is made to a police officer, while the accused was under arrest in or out of prison, or was drawn out by his questions, does not necessarily render the confession involuntary, but, as one of the circumstances, such imprisonment or interrogation may be taken into account in determining whether or not statements of the prisoner were voluntary." 168 U. S., at 558.

In this respect the Court was wholly consistent with prior and subsequent pronouncements in this Court.

Thus prior to *Bram* the Court, in *Hopt* v. *Utah*, 110 U. S. 574, 583–587, had upheld the admissibility of a confession made to police officers following arrest, the record being silent concerning what conversation had occurred between the officers and the defendant in the short period preceding the confession. Relying on *Hopt*, the Court ruled squarely on the issue in *Sparf and Hansen* v. *United States*, 156 U. S. 51, 55:

"Counsel for the accused insist that there cannot be a voluntary statement, a free open confession, while a defendant is confined and in irons under an accusation of having committed a capital offense. We have not been referred to any authority in support of that position. It is true that the fact of a prisoner being in custody at the time he makes a confession is a circumstance not to be overlooked, because it bears upon the inquiry whether the confession was voluntarily made or was extorted by threats or violence or made under the influence of fear. But confinement or imprisonment is not in itself sufficient to justify the exclusion of a confession, if it appears to have been voluntary, and was not obtained by putting the prisoner in fear or by promises. Wharton's Cr. Ev. 9th ed. §§ 661, 663, and authorities cited." Accord, *Pierce* v. *United States*, 160 U.S. 355, 357.

And in *Wilson* v. *United States*, 162 U.S. 613, 623, the Court had considered the significance of custodial interrogation without any antecedent warnings regarding the right to remain silent or the right to counsel. There the defendant had answered questions posed by a Commissioner, who had failed to advise him of his rights, and his answers were held admissible over his claim of involuntariness. "The fact that [a defendant] is in custody and manacled does not necessarily render his statement involuntary, nor is that necessarily the effect of popular excitement shortly preceding. . . . And it is laid down that it is not essential to the admissibility of a confession that it should appear that the person was warned that what he said would be used against him, but on the contrary, if the confession was voluntary, it is sufficient though it appear that he was not so warned."

Since *Bram*, the admissibility of statements made during custodial interrogation has been frequently reiterated. *Powers* v. *United States*, 223 U.S. 303, cited *Wilson* approvingly and held admissible as voluntary statements the accused's testimony at a preliminary hearing even though he was not warned that what he said might be used against him. Without any discussion of the presence or absence of warnings, presumably because such discussion was deemed unnecessary, numerous other cases have declared that "[t]he mere fact that a confession was made while in the custody of the police does not render it inadmissible," *McNabb* v. *United States*, 318 U.S. 332, 346; accord, *United States* v. *Mitchell*, 322 U.S. 65, despite its having been elicited by police examination, *Wan* v. *United States*, 266 U.S. 1, 14; *United States* v. *Carrignan*, 342 U.S. 36, 39. Likewise, in *Crooker* v. *California*, 357 U.S. 433, the Court said that "the mere fact of police detention and police examination in private of one in official state custody does not render involuntary a confession by one so detained." And finally, in *Cicenia* v. *Lagay*, 357 U.S. 504, a confession obtained by police interrogation after arrest was held voluntary even though the authorities refused to permit the defendant to consult with his attorney. See generally *Culombe* v. *Connecticut*, 367 U.S. 568, 587–602 (opinion of Frankfurter, J.); III Wigmore, Evidence § 851, at 313 (3d ed. 1940); see also Joy, Confessions 38, 46 (1842).

Only a tiny minority of our judges who have dealt with the question, including today's majority, have considered in-custody interrogation, without more, to be a violation of the Fifth Amendment. And this Court, as every member knows, has left standing literally thousands of criminal convictions that rested at least in part on confessions taken in the course of interrogation by the police after arrest.

II

That the Court's holding today is neither compelled nor even strongly suggested by the language of the Fifth Amendment, is at odds with American and English legal history, and involves a departure from a long line of precedent does not prove either that the Court has exceeded its powers or that the Court is wrong or unwise in its present reinterpretation of the Fifth Amendment. It does, however, underscore the obvious—that the Court has not discovered or found the law in making today's decision, nor has it derived it from some irrefutable sources; what it has done is to make new law and new public policy in much the same way that it has in the course of interpreting other great clauses of the Constitution.[1] This is what the Court historically has done. Indeed, it is what it must do and will continue to do until and unless there is some fundamental change in the constitutional distribution of governmental powers.

But if the Court is here and now to announce new and fundamental policy to govern certain aspects of our affairs, it is wholly legitimate to examine the mode of this or any other constitutional decision in this Court and to inquire into the advisability of its end product in terms of the long-range interest of the country. At the very least the Court's text and reasoning should withstand analysis and be a fair exposition of the constitutional provision which its opinion interprets. Decisions like these cannot rest alone on syllogism, metaphysics or some ill-defined notions of natural justice, although each will perhaps play its part. In proceeding to such constructions as it now announces, the Court should also duly consider all the factors and interests bearing upon the cases, at least insofar as the relevant materials are available; and if the necessary considerations are not treated in the record or obtainable from some other reliable source, the Court should not proceed to formulate fundamental policies based on speculation alone.

III

First, we may inquire what are the textual and factual bases of this new fundamental rule. To reach the result announced on the grounds it does, the Court must stay within the confines of the Fifth Amendment, which forbids self-incrimination only if *compelled*. Hence the core of the Court's opinion is that because of the "compulsion inherent in custodial surroundings, no statement obtained from [a] defendant [in custody] can truly be the product of his free choice," *ante*, at 20, absent the use of adequate protective devices as described by the Court. However, the Court does not point to any sudden inrush of new knowledge requiring the rejection of 70 years experience. Nor does it assert that its novel conclusion reflects a changing consensus among state courts, see *Mapp* v. *Ohio*, 367 U.S. 643, or that a succession of cases had steadily eroded the old rule and proved it unworkable, see *Gideon* v. *Wainwright*, 372 U.S. 335. Rather than asserting new knowledge, the Court concedes that it cannot truly know what occurs during custodial questioning, because of the innate secrecy of such proceedings. It extrapolates a picture of what it conceives to be the norm from police investigatorial manuals, published in 1959 and 1962 or earlier, without any attempt to allow for adjustments in police practices that may have occurred in the wake of more recent decisions of state appellate tribunals or this Court. But even if the relentless application of the described procedures could lead to involuntary confessions, it most assuredly does not follow that each and every case will disclose this kind of interrogation or this kind of consequence.[2] Insofar as it appears from the

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[1] Of course the Court does not deny that it is departing from prior precedent; it expressly overrules *Crooker* and *Cicenia*, *ante*, at 41, n. 47, and it acknowledges that "[i]n these cases . . . we might not find the statements to have been involuntary in traditional terms," *ante*, at 19.

[2] In fact, the type of sustained interrogation described by the Court appears to be the exception rather than the rule. A survey of 399 cases in one city found that in almost half of the cases the interrogation lasted less than 30 minutes. Barrett, Police Practices and the Law—From Arrest to Release or Charge, 50 Calif. L. Rev. 11, 41–45 (1962). Questioning tends to be confused and sporadic and is usually concentrated on

Court's opinion, it has not examined a single transcript of any police interrogation, let alone the interrogation that took place in any one of these cases which it decides today. Judged by any of the standards for empirical investigation utilized in the social sciences the factual basis for the Court's premise is patently inadequate.

Although in the Court's view in-custody interrogation is inherently coercive, it says that the spontaneous product of the coercion of arrest and detention is still to be deemed voluntary. An accused, arrested on probable cause, may blurt out a confession which will be admissible despite the fact that he is alone and in custody, without any showing that he had any notion of his right to remain silent or of the consequences of his admission. Yet, under the Court's rule, if the police ask him a single question such as "Do you have anything to say?" or "Did you kill your wife?" his response, if there is one, has somehow been compelled, even if the accused has been clearly warned of his right to remain silent. Common sense informs us to the contrary. While one may say that the response was "involuntary" in the sense the question provoked or was the occasion for the response and thus the defendant was induced to speak out when he might have remained silent if not arrested and not questioned, it is patently unsound to say the response is compelled.

Today's result would not follow even if it were agreed that to some extent custodial interrogation is inherently coercive. See *Ashcraft* v. *Tennessee*, 322 U.S. 143, 161 (Jackson, J., dissenting). The test has been whether the totality of circumstances deprived the defendant of a "free choice to admit, to deny, or to refuse to answer," *Lisenba* v. *California*, 314 U.S. 219,241, and whether physical or psychological coercion was of such a degree that "the defendant's will was overborne at the time he confessed," *Haynes* v. *Washington*, 373 U.S. 503, 513; *Lynumn* v. *Illinois*, 372 U.S. 528, 534. The duration and nature of incommunicado custody, the presence or absence of advice concerning the defendant's constitutional rights, and the granting or refusal of requests to communicate with lawyers, relatives or friends have all been rightly regarded as important data bearing on the basic inquiry. See, *e.g.*, *Ashcraft* v. *Tennessee*, 322 U.S. 143; *Haynes* v. *Washington*, 373 U.S. 503.[3] But it has never been suggested, until today, that such questioning was so coercive and accused persons so lacking in hardihood that the very first response to the very first question following the commencement of custody must be conclusively presumed to be the product of an overborne will.

If the rule announced today were truly based on a conclusion that all confessions resulting from custodial interrogation are coerced, then it would simply have no rational foundation. Compare *Tot* v. *United States*, 319 U.S. 463, 466; *United States* v. *Romano*, 382 U.S. 136. A *fortiori* that would be true of the extension of the rule to exculpatory statements, which the Court effects after a brief discussion of why, in the Court's view, they must be deemed incriminatory but without any discussion of why they must be deemed coerced. See *Wilson* v. *United States*, 162 U.S. 613, 624. Even if one were to postulate that the Court's concern is not that all confessions induced by police interrogation are coerced but rather that some such confessions are coerced and present judicial procedures are believed to be inadequate to identify the confessions that are coerced and those that are not, it would still not be essential to impose the rule that the Court has now fashioned. Transcripts or observers could be required, specific time limits, tailored to fit the cause, could be imposed, or other devices could be utilized to reduce the chances that otherwise indiscernible coercion will produce an inadmissible confession.

On the other hand, even if one assumed that there was an adequate factual basis for the conclusion that all confessions obtained during in-custody interrogation are the product of compulsion, the rule propounded by the Court would still be irrational, for, apparently, it is only if the accused is also warned of his right to counsel and waives both that right and the right against self-incrimination that the inherent compulsiveness of interrogation disappears. But if the defendant may not answer without a warning a question such as "Where were you last night?" without having his answer be a compelled one, how can the court ever accept his negative answer to the question of whether he wants to consult his retained counsel or counsel whom the court will appoint? And why if counsel is present and the accused nevertheless confesses, or counsel tells the accused to tell the truth, and that is what the accused does, is the situation any less coercive insofar as the accused is concerned? The court apparently realizes its dilemma of foreclosing questioning without the necessary warnings but at the same time permitting the accused, sitting in the same chair in front of the same policemen, to waive his right to consult an attorney. It expects, however, that not too many will waive the right; and if it is claimed that he has, the State faces a severe, if not impossible burden of proof.

All of this makes very little sense in terms of the compulsion which the Fifth Amendment proscribes. That amendment deals with compelling the accused himself. It is his free will that is involved. Confessions and incriminating admissions, as such, are not forbidden evidence; only those which are compelled are banned. I doubt that the Court observes these distinctions today. By considering any answers to any interrogation to be compelled regardless of the content and course of examination and by escalating the requirements to prove waiver, the Court not only prevents the use of compelled confessions but for all practical purposes forbids interrogation except in the presence of counsel. That is, instead of confining itself to protection of the right against compelled self-incrimination the Court has created a limited Fifth Amendment right to counsel—or, as the Court expresses it, a "right to counsel to protect the Fifth Amendment privilege . . . ." *Ante*, at 32. The focus then is not on the will of the accused but on the will of counsel and how much influence he can have on the accused. Obviously there is no warrant in the Fifth Amendment for thus installing counsel as the arbiter of the privilege.

In sum, for all the Court's expounding on the menacing atmosphere of police interrogation procedures it has failed to supply any foundation for the conclusions it draws or the measures it adopts.

IV

Criticism of the Court's opinion, however, cannot stop at a demonstration that the factual and textual bases for the rule it propounds are, at best, less than compelling. Equally relevant is an assessment of the rule's consequences measured against community values. The Court's duty to assess the consequences of its action is not satisfied by the utterance of the truth that a value of our system of criminal justice is "to respect the inviolability of the human personality" and to require government to produce the evidence against the accused by its own independent labors. *Ante*, at 22. More than the human dignity of the accused is involved; the human personality of others in the society must also be preserved. Thus the values reflected by the privilege are not the sole desideratum; society's interest in the general security is of equal weight.

The obvious underpinning of the Court's decision is a deep-seated distrust of all confessions. As the Court declares that the accused may not be interrogated without counsel present, absent a waiver of the right to counsel, and as the Court all but admonishes the lawyer to advise the accused to remain silent, the result adds up to a judicial judgment that evidence from the accused should not be used against him in any way, whether compelled or not. This is the not so subtle overtone of the opinion—that it is inherently wrong for the police to gather evidence from the accused himself. And this is precisely the nub of this dissent. I see nothing wrong or immoral, and certainly nothing unconstitutional, with the police asking a suspect whom they have reasonable cause to arrest whether or not he killed his wife or with confronting him with the evidence on which the arrest was based, at least where he has been plainly advised that he may remain completely silent, see *Escobedo* v. *Illinois*, 378 U.S. 478, 499 (dissenting opinion). Until today, "the admissions or confessions of the prisoner, when voluntarily and freely made, have always ranked high in the scale of incriminating evidence." *Brown* v. *Walker*, 161 U.S. 591, 596; see also *Hopt* v. *Utah*, 110 U.S. 574, 584–585. Particularly when corroborated, as where the police have confirmed the accused's disclosure of the hiding place of implements or fruits of the crime, such confessions have the highest reliability and significantly contribute to the certitude with which we may believe the accused is guilty. Moreover, it is by no means certain that the process of confessing is injurious to the accused. To the contrary it may provide psychological relief and enhance the prospects for rehabilitation.

This is not to say that the value of respect for the inviolability of the accused's individual personality should be accorded no weight or that all confessions should be indiscriminately admitted. This Court has long read the Constitution to proscribe compelled confessions, a salutary rule from which there should be no retreat. But I see no sound basis, factual or otherwise, and the Court gives none, for concluding that the present rule against the receipt of coerced confessions is inadequate for the task of sorting out inadmissible evidence and must be replaced by the *per se* rule which is now imposed. Even if the new concept can be said to have advantages of some sort over the present law, they are far outweighed by its likely undesirable impact on other very relevant and important interests.

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confrontations with witnesses or new items of evidence, as these are obtained by officers conducting the investigation. See generally LaFave, Arrest: The Decision to Take a Suspect into Custory 386 (1965); ALI, Model Pre-Arraignment Procedure Code, Commentary § 5.01, at 170, n. 4 (Tent. Draft No. 1, 1966).

[3] By contrast, the Court indicates that in applying this new rule it "will not pause to inquire in individual cases whether the defendant was aware of his rights without a warning being given." *Ante*, at 31. The reason given is that assessment of the knowledge of the defendant based on information as to age, education, intelligence, or prior contact with authorities can never be more than speculation, while a warning is a clear-cut fact. But the officers' claim that they gave the requisite warnings may be disputed, and facts respecting the defendant's prior experience may be undisputed and be of such a nature as to virtually preclude any doubt that the defendant knew of his rights. See *United States* v. *Bolden*, 355 F. 2d 453 (C. A. 7th Cir. 1965), petition for cert. pending No. 1146 O. T. 1965 (secret service agent); *People* v. *DuBond*, 235 Cal. App. 2d 844, 45 Cal. Rptr. 717, pet. for cert. pending No. 1053 Misc. O. T. 1965 (former police officer).

The most basic function of any government is to provide for the security of the individual and of his property. *Lanzetta* v. *New Jersey*, 306 U.S. 451, 455. These ends of society are served by the criminal laws which for the most part are aimed at the prevention of crime. Without the reasonably effective performance of the task of preventing private violence and retaliation, it is idle to talk about human dignity and civilized values.

The modes by which the criminal laws serve the interest in general security are many. First the murderer who has taken the life of another is removed from the streets, deprived of his liberty and thereby prevented from repeating his offense. In view of the statistics on recidivism in this county[4] and of the number of instances in which apprehension occurs only after repeated offenses, no one can sensibly claim that this aspect of the criminal law does not prevent crime or contribute significantly to the personal security of the ordinary citizen.

Secondly, the swift and sure apprehension of those who refuse to respect the personal security and dignity of their neighbor unquestionably has its impact on others who might be similarly tempted. That the criminal law is wholly or partly ineffective with a segment of the population or with many of those who have been apprehended and convicted is a very faulty basis for concluding that it is not effective with respect to the great bulk of our citizens or for thinking that without the criminal laws, or in the absence of their enforcement, there would be no increase in crime. Arguments of this nature are not borne out by any kind of reliable evidence that I have seen to this date.

Thirdly, the law concerns itself with those whom it has confined. The hope and aim of modern penalogy, fortunately, is as soon as possible to return the convict to society a better and more law-abiding man than when he entered. Sometimes there is success, sometimes failure. But at least the effort is made, and it should be made to the very maximum extent of our present and future capabilities.

The rule announced today will measurably weaken the ability of the criminal law to perform in these tasks. It is a deliberate calculus to prevent interrogations, to reduce the incidence of confessions and pleas of guilty and to increase the number of trials.[5] Criminal trials, no matter how efficient the police are, are not sure bets for the prosecution, nor should they be if the evidence is not forthcoming. Under the present law, the prosecution fails to prove its case in about 30% of the criminal cases actually tried in the Federal courts. See Federal Offenders: 1964, *supra*, note 4, at 6 (Table 4), 59 (Table 1); Federal Offenders: 1963, *supra*, note 4, at 5 (Table 3); District of Columbia Offenders: 1963, supra, note 4, at 2 (Table 1). But it is something else again to remove from the ordinary criminal case all those confessions which heretofore have been held to be free and voluntary acts of the accused and to thus establish a new constitutional barrier to the ascertainment of truth by the judicial process. There is, in my view, every reason to believe that a good many criminal defendants, who otherwise would have been convicted on what this Court has previously thought to be the most satisfactory kind of evidence, will now, under this new version of the Fifth Amendment, either not be tried at all or acquitted if the State's evidence, minus the confession, is put to the test of litigation.

I have no desire whatsoever to share the responsibility for any such impact on the present criminal process.

In some unknown number of cases the Court's rule will return a killer, a rapist or other criminal to the streets and to the environment which produced him, to repeat his crime whenever it pleases him. As a consequence, there will not be a gain, but a loss in human dignity. The real concern is not the unfortunate consequences of this new decision on the criminal law as an abstract, disembodied series of authoritative proscriptions, but the impact on those who rely on the public authority for protection and who without it can only engage in violent self-help with guns, knives and the help of their neighbors similarly inclined. There is, of course, a saving factor: the next victims are uncertain, unnamed and unrepresented in this case.

Nor can this decision do other than have a corrosive effect on the criminal law as an effective device to prevent crime. A major component in its effectiveness in this regard is its swift and sure enforcement. The easier it is to get away with rape and murder, the less the deterrent effect on those who are inclined to attempt it. This is still good common sense. If it were not, we should posthaste liquidate the whole law enforcement establishment as a useless, misguided effort to control human conduct.

And what about the accused who has confessed or would confess in response to simple, noncoercive questioning and whose guilt could not otherwise be proved? Is it so clear that release is the best thing for him in every case? Has it so unquestionably been resolved that in each and every case it would be better for him not to confess and to return to his environment with no attempt whatsoever to help him? I think not. It may well be that in many cases it will be no less than a callous disregard for his own welfare as well as for the interests of his next victim.

There is another aspect to the effect of the Court's rule on the person whom the police have arrested on probable cause. The fact is that he may not be guilty at all and may be able to extricate himself quickly and simply if he were told the circumstances of his arrest and were asked to explain. This effort, and his release, must now await the hiring of a lawyer or his appointment by the court, consultation with counsel and then a session with the police or the prosecutor. Similarly, where probable cause exists to arrest several suspects, as where the body of the victim is discovered in a house having several residents, see *Johnson* v. *State*, 238 Md. 140, 207 A. 2d 643 (1965), Pet. for cert. pending No. 274 Misc. O. T. 1965, it will often be true that a suspect may be cleared only through the results of interrogation of other suspects. Here too the release of the innocent may be delayed by the Court's rule.

Much of the trouble with the Court's new rule is that it will operate indiscriminately in all criminal cases, regardless of the severity of the crime or the circumstances involved. It applies to every defendant, whether the professional criminal or one committing a crime of momentary passion who is not part and parcel of organized crime. It will slow down the investigation and the apprehension of confederates in those cases where time is of the essence, such as kidnaping, see *Brinegar* v. *United States*, 338 U.S. 160, 183 (Jackson J., dissenting); *People* v. *Modesto*, 398 P. 2d 753, 759, 42 Cal. Rptr. 417, 423 (1965), those involving the national security, see *Drummond* v. *United States*, 354 F. 2d 132, 147 (C.A. 2d Cir. 1965) (*en banc*) (espionage case), pet for cert. pending No. 1203 Misc. O. T. 1965; cf. *Gessner* v. *United States*, 354 F. 2d 726, 730, n. 10 (C. A. 10th Cir. 1965) (upholding, in espionage case,

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[4] Precise statistics on the extent of recidivism are unavailable, in part because not all crimes are solved and in part because criminal records of convictions in different jurisdictions are not brought together by a central data collection agency. Beginning in 1963, however, the Federal Bureau of Investigation began collating data on "Careers in Crime," which it publishes in its Uniform Crime Reports. Of 192,869 offenders processed in 1963 and 1964, 76% had a prior arrest record on some charge. Over a period of 10 years the group had accumulated 434,000 charges. FBI Uniform Crime Reports—1964, 27–28. In 1963 and 1964 between 23% and 25% of all offenders sentenced in 88 federal district courts (excluding the District Court for the District of Columbia) whose criminal records were reported had previously been sentenced to a term of imprisonment of 13 months or more. Approximately an additional 40% had a prior record less than prison (juvenile record, probation record, etc.). Administrative Office of the United States Courts, Federal Offenders in the United States District Courts: 1964, x, 36 (hereinafter cited as Federal Offenders: 1964); Administrative Office of the United States Courts, Federal Offenders in the United States District Courts: 1963, 25–27 (hereinafter cited as Federal Offenders: 1963). During the same two years in the District Court for the District of Columbia between 28% and 35% of those sentenced had prior prison records and from 37% to 40% had a prior record less than prison. Federal Offenders: 1964, xii, 64, 66; Administrative Office of the United States Courts, Federal Offenders in the United States District Court for the District of Columbia: 1963, 8, 10 (hereinafter cited as District of Columbia Offenders: 1963).

A similar picture is obtained if one looks at the subsequent records of those released from confinement. In 1964, 12.3% of persons on federal probation had their probation revoked because of the commission of major violations (defined as one in which the probationer has been committed to imprisonment for a period of 90 days or more, been placed on probation for over one year on a new offense, or has absconded with felony charges outstanding). Twenty-three and two-tenths percent of parolees and 16.9% of those who had been mandatorily released after service of a portion of their sentence likewise committed major violations. Reports of the Proceedings of the Judicial Conference of the United States and Annual Report of the Director of the Administrative Office of the United States Courts: 1965, 138. See also Mandel et al., Recidivism Studied and Defined, 56 J. of Crim. L., C. & P. S. 59 (1965) (within five years of release 62.33% of sample had committed offenses placing them in recidivist category).

[5] Eighty-eight federal district courts (excluding the District Court for the District of Columbia) disposed of the cases of 33,381 criminal defendants in 1964. Only 12.5% of those cases were actually tried. Of the remaining cases, 89.9% were terminated by convictions upon pleas of guilty and 10.1% were dismissed. Stated differently, approximately 90% of all convictions resulted from guilty pleas. Federal Offenders: 1964, *supra*, note 4, 3–6. In the District Court for the District of Columbia a higher percentage, 27%, went to trial, and the defendant pleaded guilty in approximately 78% of the cases terminated prior to trial. *Id.*, at 58–59. No reliable statistics are available concerning the percentage of cases in which guilty pleas are induced because of the existence of a confession or of physical evidence unearthed as a result of a confession. Undoubtedly the number of such cases is substantial.

Perhaps of equal significance is the number of instances of known crimes which are not solved. In 1964, only 388,946, or 23.9% of 1,626,574 serious known offenses were cleared. The clearance rate ranged from 89.8% for homicides to 18.7% for larceny. FBI, Uniform Crime Reports—1964, 20–22, 101. Those who would replace interrogation as an investigatorial tool by modern scientific investigation techniques significantly overestimate the effectiveness of present procedures, even when interrogation is included.

trial ruling that Government need not submit classified portions of interrogation transcript), and some organized crime situations. In the latter context the lawyer who arrives may also be the lawyer for the defendants' colleagues and can be relied upon to insure that no breach of the organization's security takes place even though the accused may feel that the best thing he can do is to cooperate.

At the same time, the Court's *per se* approach may not be justified on the ground that it provides a "bright line" permitting the authorities to judge in advance whether interrogation may safely be pursued without jeopardizing the admissibility of any information obtained as a consequence. Nor can it be claimed that judicial time and effort, assuming that is a relevant consideration, will be conserved because of the ease of application of the new rule. Today's decision leaves open such questions as whether the accused was in custody, whether his statements were spontaneous or the product of interrogation, whether the accused has effectively waived his rights, and whether nontestimonial evidence introduced at trial is the fruit of statements made during a prohibited interrogation, all of which are certain to prove productive of uncertainty during investigation and litigation during prosecution. For all these reasons, if further restrictions on police interrogation are desirable at this time, a more flexible approach makes much more sense than the Court's constitutional straitjacket which forecloses more discriminating treatment by legislative or rule-making pronouncements.

Applying the traditional standards to the cases before the Court, I would hold these confessions voluntary. I would therefore affirm in Nos. 759, 760, and 761 and reverse in No. 584.

Mr. MORSE. Mr. President, I have asked that these opinions be printed in the RECORD so that they will be available to every Senator.

This Supreme Court decision, Mr. President, deals with various legal issues in connection with the procedures to be followed by police, both Federal and State, under our Constitution. The opinion speaks for itself. The senior Senator from Oregon is proud to have the RECORD show that the decision sustains the position he has taken in the Senate for many years in connection with proposed legislation dealing with problems of criminal procedure in law enforcement.

As the RECORD shows, I have argued over and over again that the guilty have exactly the same constitutional rights as the innocent. I have argued that you cannot have constitutional rights for some but not for others. I have spoken out, over the years, against arrests for investigation and against third-degree tactics on the part of police departments—and they continue to exist, Mr. President, in a variety of forms. I have defended on many occasions the unanimous Supreme Court decision in the Mallory case. I have pointed out that commissioners of police departments, including the Chief of Police of the District of Columbia, are presenting to the American people misinformation in regard to the effects of the Mallory rule on law enforcement.

One only has to read this landmark opinion of the Chief Justice of the United States, Hon. Earl Warren, in Miranda against Arizona, to appreciate how sound have been the arguments throughout the years of those of us who have been opposing the denial of constitutional rights when arrested. It is a 5-to-4 decision, but that does not make it any less the law of the land. The dissenters in the case in part seek to justify their dissent on the ground that we have a serious crime problem in the United States. We do have a serious crime problem, although we have had serious crime problems in the United States intermittently, like the swing of a pendulum, ever since this Republic was born.

Mr. President, the existence of a crime problem, the existence of some activity on the part of a considerable number of people engaged in illegal conduct that can be described as an example of a reign of terror in a community for that particular time—that, I most respectively say, does not justify any Justice of the Supreme Court taking the position that, therefore, the great constitutional guarantees, as set forth in the decision of the Chief Justice, should be in the slightest degree modified or denied.

We cannot maintain a government by law within the framework of our Constitution if we countenance what would be the effect of the minority views expressed in this case: the sanctioning of arbitrary and capricious discretion in the police.

Mr. President, as one who worked a good many years in the field of research on law-enforcement policy, and as editor in chief of a five-volume work put out by the Department of Justice when I was an assistant to the Attorney General, I wish to say that it is in times of stress that it is so important that there be no transgression on constitutional rights by the police or by the courts, or we will cease to be freemen and freewomen.

I wish to say to those who apparently believe that we should move in the direction of the police state by giving to the police unchecked and improper powers, they had better reread their Constitution.

I shall have more to say about this landmark decision if, as, and when the so-called omnibus crime bill gets out of conference and comes to the floor of the Senate for approval, for this Supreme Court decision answers that bill.

The RECORD will show that I spoke against it and voted against it on the floor of the Senate, and that I pointed out that it had many unconstitutional features.

One cannot read this great decision of Monday by the Chief Justice and reach any other conclusion. I think that the so-called omnibus crime bill should be forgotten for the rest of this session of Congress and then, in the next Congress, we should come forward with a crime bill that is within the framework of this great decision and previous great decisions of this country, including the Mallory decision.

To these chiefs of police, prosecutors, and others who would have constitutional rights of arrested persons transgressed upon, I wish to say, as pointed out by the Chief Justice in this case, that protecting constitutional rights does not in any way prevent law enforcement on the part of an efficient police department or an efficient prosecutor's office and recognizes their duty to stay within the framework of the Constitution.

Always one hears the argument, "Our hands are being tied by a decision of a court that sustains constitutional rights." I wish to warn the American people that when a chief of police of any city, or a prosecutor in any prosecutor's office, State or Federal, argues that way, the voters should proceed to bring about the necessary reform in those offices, personnel, and procedural.

I close these comments on this case by saying—because he deserves to have it said in the unfair attacks that have been made and are being made on this great Chief Justice—that I think Chief Justice Warren has written a juridical record during his service as Chief Justice of the Supreme Court not excelled by any Chief Justice in our history. I consider him equal to that great Chief Justice, John Marshall, for John Marshall also was the Chief Justice of the Supreme Court at the time when great landmark guarantees were laid down by the Court in regard to the constitutional rights of all Americans.

Likewise, these great constitutional decisions of a majority of the Court under the leadership of Chief Justice Earl Warren have once again, before it became too late, warned the American people of the importance of maintaining a system of government by law implementing our constitutional rights.

This decision will be one of the landmark decisions studied in every course, in every law school of this country in the field of constitutional law, substantive criminal law, and procedural criminal law.

Words fail me to properly attribute to this great decision what I consider to be its import in the administration of justice in the future of this country. I hope the Attorney General will study it. I hope the office of the U.S. attorney in Washington, D.C., will study it. And today I say, respectfully, that I hope some of those in the teaching of the legal profession—and they influence the omnibus crime bill of the Congress that is now in conference—will likewise study this decision.

I wish to say to the profession of law teachers that one of your primary obligations is to never support an expediency in connection with criminal procedure at the cost of denying full protection to the guilty as well as to the innocent, those basic procedural rights inherent in the Constitution.

I have been saddened, this past year, to take note of law professors who should know better, and I am satisfied do know better, who are willing to succumb to the demand for a compromise by way of granting to the police in this country authority to arrest a citizen and by various psychological third-degree tactics, which take place in the so-called continuous questioning device, force confessions out of people. I have also been shocked by many of my lay friends who seem to think that it is all right if a person in fact is guilty. Of course, they are willing to assume that a confession proves guilt. But if one will read the

literature dealing with the subject of so-called criminal confessions, he will be shocked to find the large number of confessions which were not truthful confessions but were the product of an upset mind, hysterical mind, or the product of a person overcome with fear.

Assuming for a moment that every confession comes from the lips of a person who is guilty, it still cannot justify, under Anglo-Saxon law, on which our criminal jurisprudence is based, such a trifling with the presumption of innocence and such a modification of the obligation of the State to assume its burden of proof beyond a reasonable doubt.

Thus, Mr. President, we now have a decision which brings our law-enforcement officers back within the framework of the Constitution which says to them in effect, "When you put the hand of arrest on the shoulder of a fellow American, you had better have probable cause, for if you do not have probable cause, you have no right to arrest him in the first place. If you have probable cause, you have no need for a confession that you drill out of him by the tactics used through various psychological third-degree methods."

Let us also remember that the physical third degree has not become passé yet in our American law-enforcement agencies.

I yield to no one in the Senate in supporting legislation which will strengthen the police departments in keeping within their legitimate rights. That is why I will always be found, as a member of the Senate District of Columbia Committee, doing what I can to help build up a stronger police department, personnel-wise, equipment-wise, and financial-wise here in the District of Columbia.

But I shall continue, let me say to the Chief of Police of the District of Columbia, to deplore the kind of public statement he issued in regard to this case. Let me also say to the prosecutor's office, both Federal and local, that I shall continue to deplore and do what I can to correct the practices on their part which cannot be reconciled if they engage in any further such practices against this great landmark decision of the Chief Justice of the United States.

PRIVATE PENSION FUNDS

Mr. MORSE. Mr. President, on June 10, the board of trustees of the International Brotherhood of Electrical Workers pension benefit trust fund held its annual meeting at Salt Lake City.

It is my privilege to serve as the public member of the board of trustees of the pension fund, consisting of 12 electrical contractors representing management's interest in the electrical industry of the country and 12 union representatives.

This pension benefit trust fund of the electrical industry is recognized as one of the pace-setting private pension funds of the country. It has a history dating back to 1927. It is not only one of the oldest of the private pension funds in the labor-management field, but one of the most exemplary private pension trust funds.

For many years, my predecessor as the public member of this pension fund's board of trustees was the late Prof. Edwin Witte, of the University of Wisconsin. This private pension fund in the electrical industry owes a great debt of gratitude to Professor Witte for the valuable assistance he rendered the parties of the fund over the years in his service as a public member of the board. Professor Witte is recognized as one of the architects of the Federal legislation that brought into being the Social Security System. His scholarship in this field of economics was drawn upon when the Roosevelt administration asked Professor Witte to be one of its advisers in the development of the social security legislation.

When I was an undergraduate and graduate student at the University of Wisconsin, Professor Witte was one of my teachers, and I shall always owe him a great debt of gratitude for the inspiration and instruction which I gained from his classrooms. Many years later, during World War II, we both served our Government in connection with the National War Labor Board. Here, too, our Government called upon the expertise of Professor Witte in the field of labor economics with the result that he left an indelible print of public service on the historic record of the War Labor Board. When he died, the employer and employee representatives on the International Brotherhood of Electrical Workers pension benefit trust fund invited me to succeed Professor Witte as the public member on the board of trustees. I consider it a great privilege and honor to hold this position once held by my beloved teacher, Professor Witte.

I am sure that all of us in the Senate are aware of the fact that there is a growing concern throughout the country in respect to private pension funds. Both unions and employers are expressing more and more concern about the growing criticisms of the operations of private pension funds, not only within the ranks of labor but within the ranks of industry and the general public, as well.

Undoubtedly, within the next 2 years appropriate committees of the Congress, including the Committee on Labor and Public Welfare of the Senate, will be called upon to conduct legislative studies and place under careful scrutiny the operation of private pension funds. Already, various proposals for legislation in respect to private pension funds are being suggested.

Basic to the growing concern in this field is increasing evidence that only a small fraction of the workers of the country actually receive pensions from any private pension funds because of the fact that although they contribute to such funds for a period of time, they fail to qualify meeting all the terms and conditions of a given pension plan.

Some critics who are asking for a congressional study of private pension fund problems suggest that the Federal Government should exercise a greater surveillance over private pension funds if the equitable interests of the potential beneficiaries of a private pension system in the country are to be protected.

This year, as a part of the annual report to the board of trustees of the pension fund of the electrical industry, I discussed in part some of the problems that are being raised by those who are expressing increasing concern about the private pension programs that are being made available to the workers. I was pleased to discuss some of these problems with the members of the board of trustees of the International Brotherhood of Electrical Workers Pension Benefit Trust Fund because, in my opinion, this particular pension program has much to offer in helping to resolve some of the problems that have arisen in this field.

Therefore, Mr. President, I ask unanimous consent that there be published in the RECORD at this point the statement that I made on June 10, 1966, in Salt Lake City as the public member of the board of trustees of the International Brotherhood of Electrical Workers Pension Benefit Trust Fund, and I also ask unanimous consent to have the reports of the board of trustees for May 11, 1965, and June 10, 1966, inserted in the RECORD as part of my report.

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

STATEMENT OF SENATOR WAYNE MORSE, PUBLIC MEMBER, BOARD OF TRUSTEES, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS PENSION BENEFIT TRUST FUND, AT ANNUAL MEETING OF THE BOARD, SALT LAKE CITY, UTAH, JUNE 10, 1966

Mr. Chairman, Members of the Board of Trustees: Once again it is my privilege and pleasure, as the public member, to meet with the Board of Trustees of the International Brotherhood of Electrical Workers Pension Benefit Fund. I deeply regretted that I was unable to attend the 1965 annual meeting of the Board which was held in New York City. However, as you know, on that day a series of important roll call votes were scheduled in the Senate, and my Senate obligations required that I remain in Washington, D.C.

Bill Howell sent to me the proceedings of the meeting which I read and highly approved. Again, I was pleased to note that the presence of the public member at the annual meeting of the Board of Trustees really was not needed, because the Contractor and Union members have no real difficulties in resolving the items of business on the agenda. Nevertheless, as I telegraphed to the Board at the time, I was very sorry that my Senate duties made it necessary for me to be absent from the meeting.

There may be some other similar Joint Labor-Management Board that can point to such an unbroken record of harmonious decision making as this Board of Trustees, but I do not know of it.

I'm sure that we all know that much credit for the splendid working cooperation that characterizes the record of this Board goes to our Executive Secretary-Treasurer, Bill Howell. I am also sure that Bill Howell would say and all the rest of you would agree that Joe Keenan, for many years the Union's Co-Chairman of this Board of Trustees, and Paul Geary, who retired two years ago as the Contractor's Co-Chairman, and now Robert Higgins, who serves so ably as Management's present Co-Chairman, deserve the everlasting thanks of all of us for their dedication and devotion to the responsibilities which this Board of Trustees owes to the beneficiaries of this Pension Benefit Fund.

Each year, as part of my thus far nominal duties as the public member of the Board and upon your invitation, I contribute to

the official record of the annual meeting a brief statement or report on some topic that I think will be of interest to the members of the Board. This year, I shall file with Bill Howell a brief statement I have prepared on some problems of growing concern throughout the country in respect to some private pension plans for workers in certain industries. I shall not take the time to read it in its entirety but only summarize it. You can read it at your leisure after I have inserted it in the CONGRESSIONAL RECORD, along with the annual report of our Board.

Before I raise the major thesis of these remarks relative to problems arising in the national private pension field, I want to comment briefly on one of the singular labor dispute procedures that exist in this industry. I refer, of course, to the Council on Industrial Relations for the Electrical Construction Industry. It provides a very fair and commonsense procedure for representatives of the contractors and the union to arbitrate their own dead-locked labor disputes. No third party acting as an arbitrator, I care not who he may be, can be as well qualified from the standpoint of expert knowledge of the problems of the industry as men from within the industry, itself.

In this year's report of our Trustees written by Mr. Keenan and Mr. Higgins, they cover the work of the Council on Industrial Relations in these words:

"The Council on Industrial Relations for th Electrical Construction Industry has always been our top example of success in labor-management cooperation. In the event that some reading this booklet are not familiar with the CIR, this is the 46-year-old organ used for settling disputes in the electrical construction industry.

"The Council is made up of 12 members, six from the Contractors and six from the Union. The Council handles those cases in which the normal collective bargaining processes between local contractor and local union have bogged down and become deadlocked. This is the electrical industry's answer to strikes and lockouts. The Council decisions must be unanimous. Only once in its 46-year history has it ever had a decision violated.

"Today many labor and management groups are exploring the possibility of trying to set up an arbitration and mediation organ, in an attempt to eliminate strikes and bring more stability into their respective fields. It is amazing to educators, writers, arbitrators, to learn about our Council for the first time. Our set-up is being widely recommended today in an effort to bring the same kind of peace we have known for nearly half a century, to other industries, their employers and employes.

"Last year 99 cases were heard and settled by the CIR. Thus far in 1966, with two meetings down and two to go, 53 cases have been settled.

"For the last five years, the CIR has averaged a workload of 100 cases per year. During that period cases have been presented from all 50 states of the Union and the District of Columbia, with the exception of Alaska, Hawaii, Rhode Island and South Carolina.

"There are approximately 500 construction locals in the IBEW. This means that approximately one out of every five locals and corresponding contractor group, is using the Council each year. Of course, there are some contractors and local unions which never employ the CIR to settle their differences. However, the very fact that it exists—a Supreme Court—has been an impetus to many employer-employe groups to resolve their differences at home.

"The Council on Industrial Relations is very much a part of the Electrical Industry as we know it."

I have just served as the Chairman of a Presidential Emergency Board appointed to make recommendations for the settlement of 48 issues in dispute in the airline industry. In my judgment, if the parties to that dispute could have had available to them a procedure within their own industry similar to the Electrical Industry's Council on Industrial Relations, most of those 48 issues could have been settled by their own Labor Dispute Adjustment Board.

Granted that under the Railway Labor Act, either side is entitled to have appointed a Presidential Emergency Board as the last step in an endeavor to settle a dispute, it is my judgment that a procedure such as that provided by the Electrical Industry's Council on Industrial Relations would make that unnecessary in a large number of cases.

I think this would be true in American industries generally. The record of the work of the Council on Industrial Relations of this Electrical Industry needs to be publicized much more than has been done to date. When all is said and done, there is no better way for family quarrels to be settled in the economic marriage relations between unions and management than for them to be settled within the family by the family.

I recognize that no rule of thumb procedure for the settlement of disputes can be applied to all industries. For example, I seriously doubt if the type of procedure existing in the Council on Industrial Relations of the Electrical Industry would work as well in all industries, because in many industries there has not developed the fine cooperative relationship between management and the union as has developed in this industry.

Therefore, it would probably be necessary, in many instances, to adopt the procedure of the Council on Industrial Relations as it exists in the Electrical Industry, but in addition, thereto, provide for a breaking of a dead-lock in case the union and management members of such a Council on Industrial Relations could not reach a unanimous agreement.

However, I think it is very important to try to provide for the procedure that exists in the Council on Industrial Relations for the Electrical Industry which calls for a settlement of the dispute on the terms of the unanimous decision if unanimity can be reached. Such a procedure works in this industry, but on the basis of the history of many other industries, a unanimity rule undoubtedly would not work. Therefore, in such industries, a provision in the dispute settling procedure should probably be added that would provide for the breaking of a dead-lock in the event that the management-union board of arbitration could not reach an agreement.

Undoubtedly, there would be those who would argue in opposition to such a procedure that it would constitute compulsory arbitration. However, such would be a fallacious argument so long as the procedure for breaking a dispute dead-lock has the result of a voluntary agreement reached through collective bargaining by the parties, themselves. The compulsory arbitration argument has no standing in fact unless the requirement of arbitration is imposed upon the parties by legislative mandate.

As my legislative record shows, I am opposed to compulsory arbitration imposed upon the parties to a dispute by way of legislative mandate, because it would tend to destroy the basic principle of voluntarism so essential in employer-labor relationships if we are to avoid a managed economy in our country. In my judgment, Government-imposed arbitration by way of legislative mandate cannot be reconciled with our system of economic freedom on the foundation of which so much of our political freedom is dependent.

However, the type of arbitration I have always espoused is that which is so well portrayed by the procedures of the Council on Industrial Relations for the Electrical Construction Industry and by many other collective bargaining agreements which provide for various forms of binding arbitration for the settlement of labor disputes but on the terms and conditions and procedures agreed to by the parties. In such cases, the arbitration procedures exists only for the life and duration of the collective bargaining agreement of which it is a part. On the other hand, compulsory arbitration imposed by Governmental mandate through legislation is bound to lead to Governmental dictation in respect to management's rights, as well.

This year, I shall insert in the Congressional Record the Board's last year's report, as well as this one which is being presented to this meeting, because I think we are going to discover that our Board's reports are going to be referred to, and favorably, in the private pension plan discusions that will take place in the Congress during the next several years.

I am referring to this subject in my remarks to the Board this year, because as a member of the Senate Committee on Labor and Public Welfare, I have been made aware of the increasing demand for a Congressional scrutinizing of private pension plans. In order to inform myself of the basis for this growing concern about private pension plans, I have been looking into the subject matter during the past year, and I wish to share with the Board some of my observations.

In 1927, when the original IBEW Members Pension Plan was established, this union demonstrated concern, foresight, initiative and responsibility. These qualities, harnessed to the unparalleled productivity of our private enterprise system, have made the American workingman the envy of the entire world. Material well-being and security against financial want are more widely shared today in this country than would have been believed possible four decades ago. But that did not just happen. It wasn't simply luck that produced such a high level of achievement.

It was a demonstration that an economic system based upon private enterprise and initiative is not exploitative but diffuses its benefits throughout our society. The system, itself, must be given credit. Our system not only permits but encourages—indeed it demands—that private groups recognize emerging problems and shape their own solutions and palliatives.

We thus have had innumerable experiments and the accumulation of diverse experience adapted to the differing demands of various industries, regions, localities and enterprises. What often seems chaotic confusion is the democratic process at work tinkering with a dozen different potential solutions to common problems, but problems which often have different characteristics or contours in differing situations.

The labor movement also has supplied some indispensable ingredients. The first is concern for the well-being of working people—a concern now widely shared throughout industry. But in 1927, few realized that a revolution—one of many—was under way in this country. The life cycle—and the working cycle—were undergoing radical change. Modern medicine was keeping more people alive longer. While dying in harness in one's 40's or 50's or early 60's had been the rule, large groups were persevering past 65. But the ability or opportunity to work wasn't keeping pace with biological survival. Hence, it was recognized, a substitute for currently earned wages had to be found for the superannuated worker. This concern over workers' welfare, this foresighted recognition of the problem, was met by initiative and responsible action—the IBEW's first pension plan.

By 1935, millions of aged unemployed throughout the nation attested to the widespread need for income substitutes for earned wages and salaries. The few private plans that had been established were inadequate to the task and many of them, based upon individual enterprises, were swept away along with those businesses that collapsed in the depression.

Two public systems were necessary to meet the national calamity—Old Age Assistance, to tide over the elderly unemployed with small or depleted private resources, and the Old Age Insurance System—popularly known as Social Security—to provide by a system of saving in the productive years for the needs of the otherwise lean years when work was over—a system Joseph recommended to Pharoah.

My predecessor as the public member of the Board of Trustees of the International Brotherhood of Electrical Workers Pension Benefit Trust Fund, Professor Edwin Witte, left the imprint of his expertise in the economic field of health, welfare and pension problems and programs on our National Social Security System. He will be remembered in the history of the Social Security System as one of its economic architects. As a graduate professor of mine and later as a colleague on the War Labor Board during World War II, I was a beneficiary of his scholarly teaching in this field. In fact, the union and employer parties to the National Electrical Benefit Fund, I am sure, will agree with me that the Fund is one of the pace setters in its field because of the imprint of Dr. Witte's expert knowledge in this area of social economics.

In the three decades since, we have seen the remarkable development of two systems designed to provide economic security for elderly workers and their families—the public system or Social Security of nearly universal applicability and the private pension system comprising over 30,000 single, multi-employer and industry-wide plans to supplement the public system's benefits. Interestingly the European countries that have shown the greatest concern in workers' welfare have only recently turned to similar two-tiered systems of meeting the income needs of the elderly. The concern, foresight, initiative and responsibility that underlie the present IBEW Pension Benefit Trust Fund require us to take stock of how well both private and public institutions are keeping up with the fantastic rate of change our economy produces, a rate that is intensified by the industrial mobilization for war in Vietnam.

The many contributions of industrial statesmanship which the representatives of the National Electrical Contractors Association have made to this IBEW Pension Benefit Trust Fund over the years explain, in no small degree, the soundness of this Trust Fund. The cooperative efforts of the Union and Employer representatives that have prevailed throughout the life of this Trust Fund is convincing proof of what long-standing good will and good faith relationships between representatives of labor and management can accomplish in the field of collective bargaining.

As the present public member of the Board, I would direct the attention of the members of the Board to some of the problems and concerns that seem to be developing in our country in respect to some types of welfare and pension plans.

Shifting population patterns (more youngsters, more oldsters, proportionately fewer in-between), geographical shifts by industry, European competition, changing consumption patterns, and changes in the technology and concerns in the defense sector, as well as technological change, at ever increasing rates, put tremendous stress upon labor-management relationships.

All of these elements are having an immense impact upon private pension plans. About 85% of the employees with pension coverage are in plans limited to single employees. About half of all workers under plans are in manufacturing, where these forces for change concentrate so heavily. However, no area of employment is immune. The design of most private pension plans contemplates that the bulk of the employees to benefit from such plans must be long service workers, who, when they reach retirement, do receive pension benefits because they stayed with one company for many years. As a result, at any given time, the evidence is that substantially fewer than half of employees in a private pension plan will draw benefits from it, and in many cases, the showing is much worse. This is because a fact of modern life is that employee mobility is high, and the rate of job change is high. In bad times, tens of thousands of workers are laid off, and the rate of eventual recall often is low. In good times—times of high employment—wage competition stimulates job changing. Such labor mobility is a great source of strength to our economy, providing incomparable adaptability to change.

Semi-mobilization for the Vietnam war means the rapid expansion of some industries, such as aircraft, drawing workers from other jobs. Past experience shows that a high proportion of such workers don't go back to their old jobs. Hence, in many cases, the pension credits they had earned there in their old jobs are worthless to them. Their war-crisis jobs won't hold up either, so that pension credits nominally earned also will be lost.

While "vesting" of pension credits is becoming more common, a former colleague and legislative assistant of mine, who was also my counsel on the Senate Railroad Retirement Subcommittee and thereafter, spent five years studying private pensions, concludes that the eligibility criteria are generally so high, typically requiring 10 or 15 years of unbroken service, as to be of little value to most employees.

I refer to Merton Bernstein, who is now a professor on the faculty of the College of Law at Ohio State University. He has written a book entitled, "The Future of Private Pensions."[1] This book has been recognized in the field as a prize-winning volume devoted to an analysis of private pension plans and proposals for their improvement. The book is being drawn upon for suggestions in the preparation of legislative proposals aimed at seeking to protect workers who contribute to private pension plans but end up at the end of their working years with no guaranteed pension rights. Both labor and management should become aware of growing concern among the general public as to alleged injustices, hardships and inequities which, it is alleged, honeycomb many private pension plans.

Professor Bernstein points out, for example, a serious pension situation that developed in the plant of one major aircraft producer. This company's negotiated pension plan for production workers provides for 50% vesting after 10 years, with the additional requirement that the employee be over 40. The trouble is that a large percentage of aircraft workers are in and out of their jobs in far fewer than 10 years. Even five years vesting in this highly volatile industry affords comparatively little protection. Here is a cost of war production to which we are paying all too little attention.

Nationwide or industry-wide or regional plans provide greater protection against these hazards. But even here the performance leaves much to be desired. Only recently, testimony before the Joint Economic Committee showed that under actuarial estimates, only about one-third of the workers in an unusually large multi-employer regional plan were expected to qualify for plan benefits. Moreover, other features of multi-employer, industry-wide and regional plans must be recognized. They generally lack provisions for disability retirement and early retirement, which often in reality is for partial disability or just inability to keep up. In such plans, vesting is comparatively rare so that workers who leave an industry by necessity or choice lose the pension protection they were building. Further, many plans, particularly those of small employers, will disappear long before employees reach retirement age.

Now, I recognize that most of the deficiencies of private plans can be explained in terms of their comparative recency and the higher cost of additional protection. But, it seems to me to be a reproach to an economy as productive as ours, that it cannot afford to make decent provision for employees and their dependents in their old age.

Private pension plans generally have one or more of the deficiencies I've catalogued. And to this must be added that their benefits are all too small. Nor am I consoled or misled by Bureau of Labor Statistics reports which tell about the handsome benefits that retirees with 30 and 35 years of service with one company will receive where, as is common, benefits vary with length of service. I am not impressed because the 30- or 35-year man is as rare as the Whooping Crane, and mobilization crises will keep them rare in the future. Let's face it—we haven't had "normal times" in this century, if we ever had them. I suggest to the Bureau of Labor Statistics that it give us reliable data on actual pension earnings instead of statistical analyses of pension benefits that are practically unrelated to the real world. It is the real world with which we must deal.

In the real world of the elderly, what should be the golden years are seriously tarnished by extreme financial want. Only recently, I had called to my attention a case in which an 87-year old widow without relatives, who had all of $50 in cash and an income of $33 a month, was denied free hospital care a few years ago by a public welfare board, because she owned her own home value at all of $7,000.

The real world of the elderly widow is downright grim. More than three-quarters have cash income of under $2,000 a year, and better than a third of these durable ladies have annual incomes of less than $1,000. But private pensions scarcely make provision for widows, except for some one-payment life insurance which tends to be blushingly modest.

We are a long way from the Great Society when over two million Americans over 65 must turn to public assistance, whose benefits are usually paltry. If eligibility were reduced from 65 to 62, probably another million would qualify. Almost half of the elderly who receive benefits under the Old Age Assistance program receive Social Security benefits, which testifies to how inadequate the benefits of the public program are.

With the Medicare battle won, improvements in Social Security benefits are long overdue. It is the mainstay of most of those over 65, but benefits are grossly inadequate, especially for those retiring before age 65 with permanently reduced benefits. Can we pretend that an average monthly benefit of $84 for 6.5 million retired men approaches adequacy? Do we dare say that the average benefit of $65 for retired women is adequate? Do we dare say that $130 a month, the average, gives a retired worker and his wife an American

[1] *The Future of Private Pensions* by Professor Merton Bernstein—The Ohio State University College of Law. Published by Free Press-Macmillan.

standard of living? Or that $100 a month is enough for a totally disabled worker?

The President has asked the Social Security Administration to study the ways in which cash benefits can be raised as a basis for legislation next year, 1967.

What we are up against is that the traditional way of financing Social Security benefits will not provide enough funds for really significant improvements. Since its inception, Social Security has been based on the principle that payroll taxes must pay fully for all benefits; that payroll tax has been confined to the bottom end of the pay scale, and the rates paid by the lowest paid worker are the same as those paid by the highest paid executive. The latter naturally pays a smaller fraction of his entire income. That is utterly regressive taxation.

I remember in 1954, I spoke at the Labor Temple in Portland, Oregon, and in addition to a few other things, I said that I questioned the economic soundness of raising Social Security payroll taxes because of the regressive nature of the tax. I wasn't back in Washington but a few days when a delegation from the labor movement called upon me and said, "We know the payroll tax is regressive, but it's the price we pay for progress by way of improved benefits in Social Security." I recognized that the legislative realities supported their view, and so I supported their position, but I pointed out then and still do that legislatively, we must find a better way.

The necessity is upon us. If all limits upon taxable and creditable wages and salaries, now set at $6,600, were eliminated, only a 7% increase in benefits could be paid. In not too many years, the combined payroll tax of employer and employee will amount to almost 10%. I seriously question whether in all conscience we can raise those rates any higher, considering that for tens of thousands of low-paid workers, we would literally be taxing away 10% of their pay.

The issue then becomes whether we will resort to the source from which we finance most public undertakings—general revenues. We all are the beneficiaries of the men and women who manned the economy in years past when earnings levels were lower. It is only fair that we recognize society's debt to them and its obligation to permit them to share more fully in the expansion of the economy as a whole. That debt should not be paid by taxing low income workers at rates above 10%

If private pensions are to keep pace with need, employers, unions and employees will have to recognize that reliable pensions with adequate benefits for retirees and their dependents, will cost more than now is set aside for them. Liberal vesting, sound financing, realistic early retirement and disability provisions all are necessary if the present-day private pensions are not to fail to meet the expectations now being built upon them. Employers, unions, banks and insurance companies must not defend the status quo. Instead they must be impatiently exploring new pension methods to fit pension plans to employment problems. A national pension clearing house, as proposed by Professor Bernstein, may be one such device. It should be seriously considered, along with pension re-insurance and any other means of improving pension performance. What we can afford least is to stand pat.

Our progress with both private plans and the public program probably will not keep pace with need. We need the best efforts of all to improve both systems so that the elderly will be full participants in modern society and not demoted into obscurity, want and dependence in their final years. Our free and expanding economy is capable of providing security, independence and the opportunity to live a fuller life. That won't just happen. We must have the concern, the foresight and the initiative to meet responsibly our obligations to the nation's seniors.

In this electrical industry, we can be proud of the fact that through its pension plan, it has been a pace setter. The workers have not been cheated, and the actuarial soundness of the plan has become a model for others to emulate. There is no doubt that it has strengthened cooperative collective bargaining relations and mutual confidence and understanding within the industry.

Neither the union nor the contractors, over the years, have taken stand pat positions against demonstrated needed improvements that could be justified and afforded. I have called to the attention of this Board the growing interest within the general public as to the operations of private pension plans, because I think in the next year or two, private pension plans are going to come under close scrutiny. Already they are receiving more emphasis in collective bargaining negotiations. I have just come through a major labor case in which pension plans were an important item of concern to both labor and management. Many workers in many industries throughout the country are asking more and more the question, "Who gets what and when?" under a proposed pension plan. If the feeling develops among workers that their contribution to a pension plan has the remotest relationship to some form of indenture, then it is obvious that the representatives of both labor and management will be in hot water with their rank and file workers.

I have observed that much more important than the question of who pays the cost of the contributions to the pension plan is the question of whether the plan in fact during the number of years worker X is employed by a given employer contributes its pro rata share to the financial benefit of X after he no longer can work or reaches the age of retirement.

Further, I observe that the pension status of widows is becoming a more and more persistent issue in union demands for revised pension clauses in negotiations for new contracts. Likewise, the rank and file workers are showing an increasing interest in obtaining increasing pension benefits in lieu of higher wage increases. However, they want greater assurance they will receive, in fact, what they are calling "pension compensation" credits that will follow them at stated intervals of time if they move from one company to another. The complex administrative problems involved in such collective bargaining demands are not easy of solution.

Professor Merton Bernstein, in a speech at the annual meeting of the American Society for Public Administration held in Washington, D.C. on April 14, had this to say:

"Almost all private pension plans limit their benefits to long-service employees, and probably a large majority do not stay with one company long enough to qualify for benefits.

"The Viet mobilization can't help but aggravate an already serious national problem of pension credits which disappear as readily as soap bubbles.

"Both Social Security and private pension plans need substantial improvement. Today the elderly form a hard core of the Abject Society. Millions of our older citizens, especially widows, live in dire need.

"Social Security benefits—the mainstay of most—although widely distributed, are pathetically small.

"Only a very small minority—something like two million elderly—enjoy private plan benefits; often they too are more token than substantial.

"While one can only applaud the President's announcement last week that he will propose major improvements in Social Security benefits next year, one may seriously question whether Congress will vote the necessary funds.

"Probably faced by military costs requiring a tax increase, can Congress also be persuaded to enact both a Social Security payroll tax increase and an additional general tax boost which would be required if benefits improvements are to be substantial?

"Whatever happens to the public program, tens of thousands of new employees will be recruited into manufacturing jobs where private pension plans now are most common.

"Anti-inflation pressures can be expected to generate larger fringe benefits in preference to cash wage increases as the mobilization intensifies. But these apparent expansions and improvements among private pension programs will be ephemeral unless significant changes are made in plan design.

"While present-day plans are great improvements over those launched during World War II and the Korean War, they are not good enough to award benefits for war work that ends with demobilization—the pension credits earned in such work simply disappear so far as employees are concerned.

"The progress made in 'vesting' of pension credits falls far short of what is needed. Today the most generous vesting provisions in common use require 10 years of unbroken service with one company.

"Tens of thousands of aircraft workers—you don't have to leave Long Island, or Seattle or Los Angeles to find them—can tell you that they were under such plans, lost their jobs and lost their pension credits.

"Gradualism—the prescription of most who oppose more liberal vesting—clearly is no answer in the present situation.

"We are sowing pension promises—or apparent promises—that will grow into massive disappointment and resentment unless the private pension industry, employers, unions and the government set higher standards for private pension plans.

"Readily portable pension, facilitated by a national clearing house, should be high on the agenda of pension reform.

"If the tens of thousands who change jobs due to mobilization requirements are to receive fair play, the changes must be initiated soon.

"Experience in the last two wars shows that many state and local government employees whose talents are needed elsewhere, but only temporarily, face the same problem.

"Their plans also require reshaping to protect the retirement credits in both their former and new jobs."

As to our pension plan, as we find it in this electrical industry, I am confident that because of its history, its emphasis on protecting the equities of the pension beneficiaries, its actuarial soundness, and demonstrated mutual desire of the contractors and the union representatives to improve it from time to time, as circumstances and means permit, it will continue to receive the strong support of both the members of the union and of the contractors.

I close these remarks by again commending this Board for its wise administration of the industry's pension program.

REPORT ON THE IBEW PENSION BENEFIT TRUST FUND

(By the Board of Trustees)

The following report is made on May 11, 1965 in the City of New York. It has been compiled in compliance with Article III-A, Section 3, Paragraph (g) of the Employes' Benefit Agreement. It was under this agreement that the Pension Benefit Trust Fund was created and operates. The particular section of the agreement, cited above, states that annually, the Trustees shall "make a full and complete report" to the National Board.

Over the years the Trustees of the Fund have amplified the words just quoted, to include a number of areas which clearly do not directly pertain to the Pension Benefit Trust Fund.

Because the over-all concept of labor-management relations is of paramount importance to our nation and its economy today, and has been for many years, we long ago abandoned the stapled, mimeographed financial statements with sparse comment, in favor of a "full and complete report" of the type you now read. Our Trustees Report attempts to cover not just one important area of labor-management cooperation—pensions for workers in our industry—but a number of areas in which the National Electrical Contractors' Association and the International Brotherhood of Electrical workers have achieved a very high degree of cooperation. This is a source of pride and satisfaction to the officers of both our groups and to our respective memberships.

IN THE PUBLIC SERVICE

As a public service, we have attempted to make known this favorable experience, as well as the "why" and the "how" of it. We hope that our efforts to spread a "gospel" that works for us may help other employers and employes find the way to industrial peace.

We estimate that some one million persons, in all walks of life, saw our report of last year, due partly to NECA and IBEW distribution, but in large measure through the action of our esteemed Public Member of the National Employes' Benefit Board, Senator WAYNE MORSE of Oregon. Senator MORSE presented this report on the floor of the Senate and had it published in full in the CONGRESSIONAL RECORD.

REMARKS OF SENATOR MORSE

Any comments of Senator MORSE, on any subject, are always worthy of being passed on, but we take particular pleasure in passing on these excerpted words printed in The CONGRESSIONAL RECORD of July 23, 1964:

"When the IBEW Pension Benefit Trust Fund was established, the industry not only pioneered the humanitarian purpose of the pension fund, but it set an example that caused many other employer-union groups over the intervening years to follow the model example set by this fund. There is no doubt in my mind that the understanding reached by the National Electrical Contractors Association and the International Brotherhood of Electrical Workers when they first created this trust fund, has done much more for the industry than just establish a pension fund for retired workers.

"It also helped establish a feeling of mutual respect, understanding and desire for a cooperative relationship between the contractors and workers which has resulted in this industry enjoying one of the best records of labor relationships of any industry in the Nation.

"The Trustees Report of the Pension Benefit Trust Fund, refers to the remarkable record of the Council on Industrial Relations. I do not know of any industry that matches this remarkable record of peaceful settlement of labor disputes. . . .

"There is no doubt in my mind that the procedures and administrative policies . . . established by this industry more than 40 years ago, have contributed greatly to the remarkable record of industrial stability in the industry. These procedures and policies have made it necessary for Contractors and representatives of the Brotherhood, to work out together over the years, in a negotiating atmosphere of mutual respect and cooperative spirit, the various administrative policy problems which have arisen from time to time. Whenever men work together in such a cooperative spirit, in connection with a cause as humanitarian in its purposes as a pension fund, they are bound to find it much easier to settle through conferences and negotiations other problems that may arise within the industry, including labor relations problems. . . .

"I have been pleased to observe that both sides of the table, so to speak, seem to be equally desirous to see to it that any suggested change in policy shall be equally fair to both the contractors and to the workers. Here is an industry which has clearly developed the habit of solving its problems through true collective bargaining, based upon the principle that unless a policy or an adjustment of a policy is fair to both Contractors and Brotherhood members, it cannot be in the best interest of either side. . . ."

With this eloquent and much appreciated presentation for prologue, we continue our report.

We can say with sincerity and conviction, that those good labor-management relations policies exercised by NECA and IBEW, which Senator MORSE has been kind enough to praise, have been continued and strengthened over the past year. In fact, we are pleased to mention several new areas of cooperation.

NEW AREAS OF COOPERATION

The National Electrical Contractors Association has long been keenly interested in the work of the National Electrical Code Committee. NECA members sit on all of its 19 panels, whose deliberations determine the codes and standards governing electrical work issued every three years as the "National Electrical Code." Mr. Richard Osborn of NECA, has long been the Contractors' leading representative in the crusade for safe, practical installation in harmony, with NECA and IBEW wiring standards, guaranteeing safety to the public. He serves on the Code Correlating Committee, the most significant of the panels.

Last September, IBEW President Gordon M. Freeman took action to back up the work of the employer group with union employee effort. He set up a 12-member IBEW Code Committee at a meeting in St. Louis and immediately set out to have these members recognized as part of the National Code Committee. It was Richard Osborn who worked side by side with Gordon Freeman in instructing this new IBEW Committee and getting it started on its important work.

Last week, in Washington, the IBEW Code Committee held its second meeting. Reports of the work done in the respective districts was outstanding for so short a time. And in spite of initial opposition by the National Code Committee, IBEW members are now members of four National Code Committee panels. Again, Mr. Osborn attended the IBEW meeting and was principal speaker. Other NECA Code Committee members have assisted the IBEW Code Committee in their geographical areas.

This new area of cooperation can only lead to a better electrical industry with improved, safer service to the public.

ANNUAL CONSTRUCTION CONFERENCE

An innovation of the Brotherhood begun last year and continued this, rightly belongs under new areas of cooperation. We refer to the now established Annual IBEW Construction Conference. This meeting, conducted by the Construction and Maintenance Operations Department of the IBEW, brings some 300 or more local union business managers from construction locals throughout the nation, together in Washington, to meet with their International Officers and Contractors Representatives, to discuss problems of electrical construction and ways and means of increasing electrical construction and attendant job opportunities.

COOPERATION IN LEGISLATION

While cooperation of NECA and IBEW in legislative matters is not a new area of cooperation, but an old and well established one (though little known to the public), a new case which came to a successful conclusion last month, qualifies under this category. We refer to Wyoming and that state's so-called "Right-to-Work" law. The IBEW has fought "Right-to-Work" laws ever since their inception, after passage of the Taft-Hartley law in 1947. While space will not permit a lengthy discussion of these laws here, the IBEW has many reasons, all well documented, for abhorrence of the "R-T-W" provisions. These include the "union-busting" nature of the laws, the fact that they destory free collective bargaining, make a mockery of the time-honored majority rule principle, are damaging to the economy of a state, and create, rather that deter, labor strife.

The National Electrical Contractors Association has supported the union in its position. It was the only employer group in the nation which stood with its corresponding union and testified against passage of Taft-Hartley and the damaging Section 14(b) which permits state "Right-to-Work" laws, when hearings on the law were held nearly 20 years ago.

NECA shares IBEW hopes for repeal of Section 14(b) in the present session of Congress. Meanwhile, together we have taken a major step in fighting "Right-to-Work" on the state level.

DECISION OF WYOMING SUPREME COURT

Last year three IBEW local unions in Wyoming, in Cheyenne, Casper and Laramie, joined by two chapters of NECA, entered suit to prevent enforcing Section 5 of the "Right-to-Work" law, maintaining that the law is unconstitutional. On April 7th of this year, the Wyoming State Supreme Court, by a 3-to-1 vote, granted the plea for injunction barring enforcement of Section 5 of the law, forbidding non-discriminatory exclusive referral systems. The Court majority upheld the IBEW–NECA contention, that this portion of the state law is unconstitutional.

In passing, we just mention, for the benefit of those reading this report, who may know little about IBEW, that this is a union which has built a good reputation through the years, for honesty and integrity.

Laws like Taft-Hartley and Landrum-Griffin have not been needed to keep the IBEW in line, but *have been* a strong deterrent to progress. Recently the Government Printing Office issued a publication entitled, "Summary of Operations–1964—Labor Management Reporting and Disclosure Act." In this entire publication of cases in which the Landrum-Griffin law had been violated, there was only one criminal action in which IBEW was even mentioned. And this was a case which the officers of the Brotherhood had investigated and corrected long before the Government became involved.

That fair and honest employers help to create good unions is an irrefutable fact. Without meaning to be boastful, but in the spirit of making truth known to the public, these past three paragraphs were written into this report.

SENIORITY PROVISION

Last year in our Trustees Report, mention was made concerning organizing drives being conducted by IBEW construction locals in various parts of the country. This activity is another which meets full NECA support. Through organization of non-union contractors, unfair competition for NECA contractors is diminished, since the newly-organized contractors must pay the prevailing wage. However, organizing activities present some practical problems which have noth-

ing to do with reluctant employers. One of the objects written into the IBEW Constitution is "to organize *all* Electrical Workers." Many local unions wish to carry out this object but encounter some opposition from present members. These members, understandably, fear that additional wiremen might deprive them of available work opportunities, should work become scarce.

Our last report stated that NECA and IBEW had appointed a National Joint Committee to consider this problem and seek a solution, possibly through adoption of a Seniority Clause in construction agreements.

This committee worked well and in February of this year NECA and IBEW simultaneously issued information and made available a recommended Seniority Clause, suitable for adoption in any construction agreement for those who desire a Seniority System.

NATIONAL ELECTRICAL WEEK PROMOTION

As mentioned in previous reports, NECA has done a splendid job of publicizing and promoting the electrical industry, particularly in National Electrical Week promotions. The Brotherhood, while always giving moral support and financial support at International Office level, has had some catching up to do insofar as promotion on the community level is concerned. We are glad to report progress. Union participation does not even approach employer participation in volume and quantity as yet, but more and more local unions are participating, many of them jointly with individual contractors or NECA chapters, and the quality of participation is showing steady improvement also. Both NECA and IBEW have observed that many employer-employe committees have been successful in having State Governors and City Mayors issue National Electrical Week proclamations, and we should add, with excellent attendant publicity.

UNION INDUSTRIES SHOW

The IBEW has undertaken a special program of industry promotion this year, through its annual participation in the AFL–CIO Union Industries Show. This mammoth production is put on every year, in a large industrial city, by the hundreds of national and international labor unions affiliated with the AFL–CIO. The attendance at these exhibitions, which run for five days, varies from a minimum of 350,000 persons to over a million, according to the size of the city in which it is held. Attendance of 500,000 or more is expected in Pittsburgh this month, from the 21st to the 26th.

In the past, IBEW exhibits spreading over a 100-foot area have featured electrical products made by the Brotherhood's Manufacturing branch. This year the IBEW theme will emphasize an area more beneficial to electrical construction members—all phases of electrical heating and air-conditioning, in a "Live Better Electrically" setting.

UNION SHOP CARD DEVELOPED

One last point under new areas of cooperation. The Union Shop Card hung in contractor's office, sign shop or manufacturing plant, has always been a signal to the public—"Here is a fair employer, a work shop with decent conditions." It has proved a valuable business builder, particularly in towns and cities where union organization is strong. About 20 years ago, the IBEW stopped issuing Union Shop Cards. However, after some study at IBEW headquarters and strong support from the Construction Department, in January of this year, an attractive new Union Shop Card of modern design was issued. It has been well received and represents one more facet of cooperation between IBEW which issues it, and NECA shops which display it.

OLD AREAS OF COOPERATION

We now pass on to those time-honored areas where NECA-IBEW cooperation has always been very strong. While this material is quite familiar to the members of our National Board, because thousands of other persons will eventually read this report, many of whom know nothing of our two organizations, we feel a review is again in order.

JOINT PROGRAMS OF TRAINING

In 1941, NECA and the IBEW set up a Joint Apprenticeship Committee at the national level, and in that year also, a set of national standards was developed. The electrical industry has become well known as the fastest growing as well as the one most subject to rapid change, of all in the construction field. Therefore, the standards were revised under the direction of NECA and IBEW's Joint Committee in 1945, in 1953, 1957 and 1962. Also in 1945, the Joint Committee assumed the name which it bears today—The National Joint Apprenticeship and Training Committee for the Electrical Industry. In 1952, the Committee set up a national office with a full-time Director. Today Director L. B. Baker and his assistants, R. L. McIntyre and A. J. Phillips devote their entire time to the Apprentice and Journeyman field of training, striving to improve and expand the program of the National Committee.

Every year the number of local Joint Apprenticeship Committees is increasing. Most encouraging too, has been the growth of provisions for adequate financing of apprenticeship and training programs through proper clauses in the labor agreements.

In recent years the need for standardization of training programs was keenly felt, and as a result a National Electrical Course for Apprentice Inside Wiremen was developed, and the first year was put into use in September 1961. Subsequent years have been released on schedule with the fourth and final year completed in June, 1964. A continual program of upgrading the course and adding visual aids is being carried on.

The employers and the union in the electrical construction field have always agreed on two points—one, that an adequate force of apprentices should constantly be added to employment rolls in order to insure a constant supply of trained workmen to meet the needs of a growing industry. And two—that training of apprentices and journeymen be thorough and kept up to date.

We mentioned in our report of last year, certain statistics with regard to the over-all national apprenticeship picture.

The Bureau of Labor Statistics published an article in the April 1964 *Monthly Labor Review* which should prove interesting to anyone concerned with this report. It stated the somewhat depressing fact that between 1950 and 1960 apprenticeship provided a decreasing proportion of the young workers entering skilled trades, with the number of apprentices dropping 27.1 percent.

The article cites Census Bureau figures showing that while total employment in the building trades expanded during the 1950's the number of apprentices fell sharply, *except in the electrician category where there was a rise of 3.1 percent.*

This rise is even more significant when compared with the percentage of decline in apprentices, suffered by other Building Trades crafts. Between 1950 and 1960, for example, the number of apprentice Carpenters declined 44 percent, while there was only a seven percent drop in the total number of journeymen in the trade. In that same decade, the total of apprentice Bricklayers dropped 51 percent and those engaged in plumbing and pipefitting 33 percent.

Since 1962, the record for electrical apprentices has continued to improve, according to the United States Department of Labor, which states that registered electrician apprentices increased by some 2,000 between 1962 and 1964.

The Department of Labor has praised NECA-IBEW policy on building its trained work force. This has only been accomplished through close cooperation and the hard work of Joint Apprenticeship Committees.

JOURNEYMAN TRAINING

In addition to improving the training of apprentices, the IBEW and NECA sponsor and finance a continuing training program for journeymen. They recognize that in a rapidly changing industry there must be training of the journeyman to meet these changes—the men must develop new skills and gain additional knowledge.

There are a number of journeyman short courses that have been developed, such as: Industrial Electronics, Motor Control, Code, Blueprint Reading, and many others. It is difficult to keep track of exactly how many workers have taken advantage of the courses of advanced training offered to them. We know that many IBEW members have completed some phase of journeyman training and an increasing number of new certificates of completion are being issued every year.

Both Contractors and Union have been gratified that the trouble and expense involved in developing and promoting journeyman training programs have paid off in enabling our workers to tackle the most intricate of wiring jobs.

ATOMIC ENERGY TRAINING

The IBEW has continued with considerable success its training of members in the course, "Industrial Atomic Energy Uses, Hazards and Controls." This training, designed to protect workers and the public while at the same time promote valuable nuclear power installations, is being widely taught in construction locals as well as utility locals of the Brotherhood. It is a phase of training which NECA has joined the IBEW in promoting. (A note of interest concerning this course as developed by the Brotherhood. As a public service, IBEW has given permission for publication of its course as a general text book. There is a dearth of training material on this subject, and the pioneering of IBEW in the field is proving most valuable to educational institutions. All IBEW proceeds from the sale of this text book will be donated to buy electrical equipment in under-developed countries, through the Peace Corps.)

COUNCIL ON INDUSTRIAL RELATIONS

The Council on Industrial Relations for the Electrical Construction Industry, has long been regarded as the outstanding achievement in NECA–IBEW cooperation. For the benefit of those reading about the CIR for the first time, it is the organ established 45 years ago, for the settling of disputes in the electrical construction industry, and it is often referred to as the "Supreme Court of the Electrical Industry."

The Council is made up of 12 members, six from the Contractors and six from the Union. The Council handles those cases in which the normal collective bargaining processes between local contractor and local union have bogged down and become deadlocked. This is the electrical industry's answer to strikes and lockouts. The Council decisions must be unanimous. Only once in its 45-year history has it ever had a decision violated.

In 1964, 102 cases were heard and settled by the Council. As this report went to press, the Council was preparing for its second quarterly meeting and had 42 cases scheduled for review.

In past reports we have written much about our Council and recorded comments from many sources. Its worth in prevention of strikes and lockouts, with their attendant loss of wages to workers, and profits to employers is hard to measure. Uninterrupted

service to the public our industry services, has been perhaps the most valuable contribution of the CIR.

We shall not review the most recent plaudits received by the Council in this issue of the Trustees Report, but we will bring you a brief review of a CIR incident which we found interesting. One great advantage which our Council has over any other type of Arbitration and Conciliation organ, is the fact that no impartial or disinterested persons make its decisions. Every Council member is a man well-versed in all phases of electrical work and collective bargaining. The NECA and IBEW members who bring their disputes to this panel, can certainly find comfort in the knowledge, that whatever the outcome, those hearing the case understand every phase of it, because it is their work, their field too.

The incident we wish to mention, happened in connection with a quarterly meeting of the CIR held in Washington, D.C. Since all sessions are open to the public, a reporter came to observe. When he had an opportunity, he said to a man waiting to present his case:

"I've observed for over an hour and listened to the questions asked by the Council members, but I can't distinguish at all, which men are management and which union. Can you point out which is which?"

We believe this simple statement again brings home the great value of the Council. It points out the fairness of the Council members in their operations, and indicates practically what NECA and IBEW have always maintained philosophically, that the good of the industry transcends personal considerations.

Our only regret with regard to the CIR is that more management and labor groups do not seek the labor peace we have found, in a similar media.

Perhaps we have been too busy and concerned with our own problems to attempt to spread the Council idea to others. Hopefully, may we do more in the future. Often when knowledge of our Council has been brought to others there has been tremendous interest and many queries as to "Why have we never heard of this Council before?" and "Why don't others have a CIR?"

For example, Temple University in Philadelphia, for some five years has devoted several sessions of its courses in economics and labor-management relations to a study of NECA-IBEW relations and particularly the Council on Industrial Relations. Thousands of the informational booklets on the CIR have been distributed to the students for use as text book material. The IBEW films which show the Council in action are shown to the students.

By report of Professor Miles Hoffman, who teaches the course at Temple, this phase of study evokes tremendous interest on the part of his studies.

Perhaps more promotion of this kind can be done by our organizations in future years.

Meanwhile we can at least report some progress in the spread of the CIR idea to another part of the electrical industry covered by IBEW. The Brotherhood and the Electric Utility Companies in 11 states (all in the Western part of the country) have set up an organization known as LAMPAC, designed to establish an area of cooperation on matters affecting their mutual interests. LAMPAC stands for "Labor and Management Public Affairs Committee." The IBEW is now actively promoting, through this committee, the creating of a medium similar to our CIR—an Arbitration Council for the Utility Industry. The Brotherhood is optimistic in its feeling that such a Council can and will be brought to fruition.

In Canada, through the efforts of IBEW Vice President William Ladyman, a number of meetings have been held and attended by IBEW local union representatives and Canadian contractors, for the purpose of spreading the CIR to that country.

We believe that the industrial peace we have experienced for more than four decades should be spread to others and even these limited possibilities are encouraging.

SAFETY

NECA and IBEW have continued to cooperate on Safety. The most important innovation in the safety field has already been reported in the summary of the National Electrical Code work.

However, we should mention that approximately half of the locals of the IBEW now have active Safety Committees, about a 30 percent increase over 1963.

Last year also, as a stimulus to safety consciousness and safety training, the IBEW developed a handsome life-saving award to be presented to those individuals who had saved a human life, and to their local unions. Records from 1961 on were checked, and to date 75 IBEW members and 67 local unions have received this top award.

DOES COOPERATION PAY?

Members of this group know the answer to the question, "Has NECA-IBEW cooperation paid off?" For the benefit of others we report that profits and wages are both up. Membership figures of both our groups are growing steadily. May we quote a significant statement from the latest "Directory of National and International Labor Unions in the United States," a publication of the United States Department of Labor:

"Year-to-year membership changes reported by the six largest unions in the United States, show that only one union—the International Brotherhood of Electrical Workers, grew steadily during the period 1951-1962. The IBEW increased its membership in this period by 293,000 or 59 percent."

At the same time the Contractors' Association is likewise experiencing steady growth.

Our cooperation has certainly paid off for the public, as better and more intricate wiring, bringing electrical heat and air-conditioning and new experiences in electrical living of many kinds, is being brought into homes and factories, schools, churches, offices and public buildings every day.

PENSION BENEFIT TRUST FUND

Now with regard to the final area of labor-management cooperation to be covered in this report, and the one which gives us cause for a report.

Briefly, the historical background of the Pension Benefit Trust Fund is as follows:

The original IBEW Members Pension Plan covering beneficial members of the union, was established at the 1927 Convention, and the first pension payments commenced in 1928. Initially the benefit level was $40 per month, which was increased to $50 per month as of January 1, 1947; this benefit was payable to a retired member who had attained age 65 and completed 20 or more years of continuous IBEW membership. In 1952, the plan was further amended to provide that a member initiated or reinstated after May 1, 1952 would be eligible for a benefit of $30 monthly upon retirement (after age 65) with 20 but less than 25 years of membership, $40 monthly with 25 but less than 30 years, and $50 monthly with 30 or more years.

Until 1946, these benefits were financed entirely by an apportionment of the monthly dues (except for earnings on the fund) payable by "A" (beneficial) members, to the Pension Benefit Fund administered by the IBEW.

In 1946, the IBEW and NECA agreed to establish a jointly administered trust fund to provide pension benefits to IBEW members, financed by contributions of 1 percent of the gross labor payroll of employes working under the terms of the agreement. The agreement established two trust funds, the National Electrical Benefit Fund (NEBF) and the Pension Benefit Trust Fund (PBTF). The 1-percent-of-payroll assessments were payable to the NEBF, which in turn transferred to the PBTF an amount equal to the member contributions (allocated portion of dues) paid into the Pension Benefit Fund administered by the Brotherhood (i.e., the NEBF paid into the PBTF contributions matching the union members' contributions to the Pension Benefit Fund). In 1956, this "matching" requirement was removed, and the full "1 percent contributions," after meeting expenses and providing for a small operating reserve, was transmitted by the NEBF to the PBTF. Until 1957, the combined resources of the PBTF and the PBF were considered as applicable to meet the liabilities of the IBEW Members Pension Plan, although somewhat less than half of the total beneficial membership of some 300,000 were actually working for contributing contractors. In fact, after establishment of the PBTF, the payment of all pension benefits for existing pensioners was shifted from the PBF to the PBTF, and the benefits for all new pensioners were paid from the PBTF until 1957.

An amendment, effective June 1, 1957, to the Employees Benefit Agreement, which was made in order to comply with a ruling of the National Labor Relations Board, caused a considerable change in the administration of the Plan, with respect to the level of benefits payable from each fund and the ultimate liability of the respective funds. As noted, prior to this amendment, all pension disbursements were made from the PBTF, and the PBF was kept fully invested, with the combined funds applicable to the Plan liabilities. The effect of the 1957 amendment was to create two separate funds, each with their respective liabilities.

As a result of this amendment, there now exists a separate plan covering all *employes* (not necessarily Union members) covered by the Agreement between IBEW and NECA. The contractors (or covered employers) still contribute 1 percent of gross labor payroll of covered employes to the NEBF, which pays operating expenses and transmits the balance of the payroll assessments to the PBTF. The PBTF pays pension benefits (at the rate of $50 per month) to all surviving pensioners who retired prior to June 1, 1957 (all pensioners receive $50 monthly, since all were initiated as members prior to 1952). The PBTF therefore has an obligation for pension payments to a closed group of retired employes, for whom the pension liability is continually diminishing. With respect to employes retired after June 1, 1957 the PBTF provides a pension benefit that is based on years of service in covered employment and is generally equal to 50 percent of the pension benefit to which an "A" member of the IBEW would be entitled under the IBEW Members Pension Plan with a corresponding period of membership.

The NECA Plan has counted only "covered employment" with a contributing employer. Initially "covered employment" was restricted to employment with an employer during that period of time which the employer was obligated to contribute 1 percent of payroll to the NEBF. Since 20 years of "covered employment" is required for retirement, and since contributions (and consequently covered employment) did not commence until 1946, no employe (except for the closed group retired prior to 6/1/57) has been eligible for a benefit from the NECA Plan.

On September 26, 1964 the definition of covered employment was amended to permit the recognition of up to 5 years of past service credits, for service with an employer prior to the date the employer became obligated

to contribute. These past service credits count as years of service in covered employment and were made retroactive to employes who retired, prior to 9/26/64. This liberalization means that employes retired after 1961 will commence receiving benefits from the PBTF.

* * * * *

On the following pages appear the figures and charts which will complete the "full report" on the Pension Benefit Trust Fund.

Your Trustees met monthly in conformity with Article III–B of the Employes Benefit Agreement, to approve applications for pension and review the pension situation as reflected in the following table:

Statement re number of members on pension, 1964

Date	Admitted	Returned to trade	Deaths	Received pension	Net decrease [1] in number	Admitted to IBEW pension
Dec. 31, 1963				4,924		
1964						
January			49	4,875	49	304
February			39	4,836	39	287
March			43	4,793	43	260
April		1	48	4,744	49	291
May			44	4,700	44	251
June	2		41	4,661	41	233
July			54	4,607	54	335
August			48	4,559	48	258
September			38	4,521	38	268
October	1		23	4,499	22	265
November			39	4,460	39	269
December	1	1	38	4,422	38	246

[1] Readers will note the net decrease in pensions being paid from the pension benefit fund. This is due to NLRB ruling as explained in the text. However, the actual number of IBEW members admitted to pension increased, but their pensions are now being paid from the IBEW pension fund. So all may know the trend, the number of members admitted to pension in 1963 is printed in the last column.

Year 1964

Total admitted	4
Returned to trade	2
Deaths	504
Net decrease	502

Comparative analysis—Members going on pension

1963

Total admitted	6
Returned to trade	3
Deaths	497
Net decrease	494

1964

Total admitted	4
Returned to trade	2
Deaths	504
Net decrease	502

The following table illustrates the number of members who were drawing pensions from the Pension Benefit Trust Fund each quarter:

Members on pension

October 1948	2,952
December 1948	2,984
March 1949	3,034
June 1949	3,122
September 1949	3,224
December 1949	3,346
March 1950	3,434
June 1950	*3,775
September 1950	3,888
December 1950	4,024
March 1951	4,100
June 1951	4,189
September 1951	4,283
December 1951	4,355
March 1952	4,404
June 1952	4,437
September 1952	4,594
December 1952	4,697
March 1953	4,821
June 1953	4,933
September 1953	5,092
December 1953	5,264
March 1954	5,467
June 1954	5,652
September 1954	5,898
December 1954	6,134
March, 1955	6,394
June, 1955	6,589
September, 1955	6,797
December, 1955	6,991
March, 1956	7,167
June, 1956	7,329
September, 1956	7,594
December, 1956	7,816
March, 1957	8,037

Members on pension—Continued

June, 1957	8,545
September, 1957	8,352
December, 1957	8,151
March, 1958	7,961
June, 1958	7,810
September, 1958	7,664
December, 1958	7,533
March, 1959	7,378
June, 1959	7,249
September, 1959	7,099
December, 1959	6,972
March, 1960	6,808
June, 1960	6,664
September, 1960	6,546
December, 1960	6,425
March, 1961	6,315
June, 1961	6,173
September, 1961	6,047
December, 1961	5,936
March, 1962	5,792
June, 1962	5,666
September, 1962	5,543
December, 1962	5,418
March, 1963	5,288
June, 1963	5,150
September, 1963	5,042
December, 1963	4,924
March, 1964	4,793
June, 1964	4,661
September, 1964	4,521
December, 1964	4,422

*In June 1950, payment of Canadian pensions out of the Pension Benefit Trust Fund was begun.

Members on pension

(As provided in article III–A, section 3, paragraph B of employees' benefit agreement as amended)

1947	2,891
1948	2,984
1949	3,346
1950	4,024
1951	4,355
1952	4,697
1953	5,264
1954	6,134
1955	6,991
1956	7,816
1957	8,151
1958	7,533
1959	6,972
1960	6,425
1961	5,936
1962	5,418
1963	4,924
1964	4,422

Men on pension—Expected demand on pension fund

(According to actuarial studies)

1955	6,471
1960	11,917
1965	20,386
1970	32,367
1975	36,517
1980	40,677

Accumulated total payments

(Received by board of trustees from the national electrical benefit board)

1947	$1,257,623.55
1948	3,404,474.31
1949	5,478,499.14
1950	7,547,505.77
1951	10,680,016.76
1952	16,791,977.08
1953	23,219,629.52
1954	31,569,601.00
1955	39,675,686.95
1956	50,405,686.95
1957	59,800,686.95
1958	68,625,686.95
1959	77,550,686.95
1960	87,150,686.95
1961	97,050,686.95
1962	107,650,686.95
1963	118,600,686.95
1964	130,325,686.95

Statement of receipts and disbursements

Cash on hand Jan. 1, 1964	$807,454.00
Cash receipts:	
Contributions from NEBB	11,725,000.00
Payments—	
Real estate loans	11,386,084.00
Interest:	
Real estate loans	3,856,869.00
Securities	340,686.00
Sale and redemption of securities	10,203,191.00
Dividends	182,214.00
Rents	76,707.00
Commitment fees and discounts	6,619.00
Other	3,750.00
Subtotal	37,781,120.00
Total	38,588,574.00
Cash disbursements:	
Pensions paid	2,780,232.00
Securities purchased:	
Real estate loans	20,155,446.00
Securities	6,621,300.00
Time deposits	2,500,000.00
Stocks and bonds	2,915,593.00
Real estate purchased	2,730,237.00
Investment expenses	292,475.00
Postage and supplies	6,941.00
Other	18,630.00
Total	38,020,854.00
Balance	567,720.00
Cash Dec. 31, 1964:	
American Security & Trust Co	153,006.00
American Security & Trust Co. Agency	75,116.00
In transit	289,598.00
Bank of Nova Scotia	50,000.00
Total	567,720.00

Receipts from the National Electrical Benefit Fund

For quarter ending:

	Amount
1947:	
June	$284,489.98
September	424,867.73
December	548,265.84
1948:	
March	459,789.49
June	598,898.12
September	534,026.90
December	554,136.25

Receipts from the National Electrical Benefit Fund—Continued

For quarter ending—Continued	*Amount*
1949:	
March	$548, 528. 46
June	612, 633. 43
September	485, 260. 70
December	427, 602. 24
1950:	
March	391, 057. 87
June	526, 448. 06
September	680, 989. 66
December	470, 511. 04
1951:	
March	573, 773. 54
June	603, 385. 69
September	832, 518. 92
December	1, 122, 832. 84
1952:	
March	1, 418, 242, 35
June	1, 397, 827. 78
September	1, 837, 450. 49
December	1, 458, 439. 70
1953:	
March	1, 458, 876. 96
June	1, 650, 052. 47
September	1, 723, 872. 01
December	1, 594, 851. 00
1954:	
March	1, 794, 740. 46
June	1, 872, 843. 05
September	1, 820, 376. 39
December	2, 862, 011. 58
1955:	
March	1, 917, 154. 98
June	1, 904, 222. 16
September	2, 199, 701. 55
December	2, 085, 007. 26
1956:	
March	4, 465, 000. 00
June	1, 915, 000. 00
September	2, 085, 000. 00
December	2, 265, 000. 00
1957:	
March	2, 015, 000. 00
June	2, 305, 000. 00
September	2, 475, 000. 00
December	2, 600, 000. 00
1958:	
March	2, 150, 000. 00
June	2, 180, 000. 00
September	2, 220, 000. 00
December	2, 275, 000. 00
1959:	
March	2, 200, 000. 00
June	1, 975, 000. 00
September	2, 350, 000. 00
December	2, 400, 000. 00
1960:	
March	2, 200, 000. 00
June	2, 250, 000. 00
September	2, 500, 000. 00
December	2, 650, 000. 00
1961:	
March	2, 350, 000. 00
June	2, 300, 000. 00
September	2, 500, 000. 00
December	2, 750, 000. 00
1962:	
March	2, 450, 000. 00
June	2, 600, 000. 00
September	2, 750, 000. 00
December	2, 800, 000. 00
1963:	
March	2, 625, 000. 00
June	2, 325, 000. 00
September	2, 850, 000. 00
December	3, 150, 000. 00
1964:	
March	2, 500, 000. 00
June	2, 775, 000. 00
September	2, 900, 000. 00
December	3, 550, 000. 00

Quarterly receipts from National Electrical Benefit Fund, 1963 and 1964

March 1963	$2, 625, 000. 00
March 1964	2, 500, 000. 00
June 1963	2, 325, 000. 00
June 1964	2, 775, 000. 00
September 1963	2, 850, 000. 00

Quarterly receipts from National Electrical Benefit Fund, 1963 and 1964—Continued

September 1964	$2, 900, 000. 00
December 1963	3, 150, 000. 00
December 1964	3, 550, 000. 00

You will note that in the "Statement Re: Number of Members on Pension—1964" that four members were admitted to pension prior to NLRB ruling and who later returned to the trade. They have now asked to again receive their pension.

The Net Decrease in number of Electrical Workers receiving pension from the Pension Benefit Trust Fund in December 1964, was 502. In December 1963 it was 494. The total number of persons receiving pensions from the Pension Benefit Trust Fund in December 1964, as shown in our statement, was 4,422. However, it should be pointed out here that the actual number of members receiving pensions from this fund *and* the IBEW Pension Fund was 22,826.

By the time that this report went to press that figure had increased to 23,789.

RESPONSIBILITY CONCERNING PENSIONS

That concludes the statistical report and the observations which your Trustees feel should be a part of this annual report to the National Board.

Behind the cold statistics recorded here are living human beings. To them, the $50.00 a month pension which they receive, often means the difference between "living" and merely "existing." Added to Social Security benefits and savings, it can truly make that difference. These pension members are grateful for their pension. However, it is due them, with gratitude, because it is they who have helped to create our great industry.

It is fitting and proper that NECA-IBEW cooperation embraces them also. We have a responsibility to those who have worked at the electrical trade. We are meeting that responsibility. Many of us in the electrical trade, especially the officers of both our organizations feel that we have an even greater responsibility in this regard and we have worked toward liberalizing and extending Social Security payments. The President of the IBEW, Gordon M. Freeman, served as a member of the Advisory Committee of the Social Security Board, which body recently submitted a comprehensive report, after its three years of work. As a result of this report, many improvements beneficial to working people will be effected.

A note of interest in this mention of Social Security. On May 5th at the Rose Garden of the White House in Washington, President Johnson presented a Mr. William Kappel with his first Social Security check. He is the 20 millionth person now drawing benefits monthly. On April 1 Mr. Kappel received his first $50.00 check as a retired member of the IBEW.

CONCLUSION

We are glad that this report can be concluded on a final optimistic note. In today's space vernacular, "all systems are go" insofar as the electrical industry is concerned. No industry has a brighter future projected for it, which projection extends right into the next century.

We believe that the future of the electrical industry and of our two organizations which are so much a part of it, will be made still brighter through our continued cooperation in established areas. We shall continue to seek new areas of cooperation, and pursue our policy of nearly half a century of benefits for NECA and IBEW members and good service to the American public.

Henry S. Owens and Company, Certified Public Accountants, have audited the books of the Trustees for the year 1964 and a copy of this audit has been furnished to all members of the Board.

The sincere thanks of your Trustees are extended to all members of the National Board and to the officers and members of the National Electrical Contractors Association and the International Brotherhood of Electrical Workers, especially to Harold A. Webster and Gordon M. Freeman. We extend a special vote of thanks to Mr. Wilfred D. Howell, Executive Secretary of the Pension Benefit Trust Fund for his excellent work of the past year and for the aid and cooperation extended to us; and to Leo S. Woolls, comptroller of the IBEW for his help.

To our Public Member of the Board, Senator WAYNE MORSE, we express deep gratitude for his interest in our Pension Fund and in the labor-management policies of our organizations, and for his excellent work of publicizing our efforts.

Respectfully Submitted,

JOSEPH D. KEENAN,
Trustee.

ROBERT L. HIGGINS,
Trustee.

REPORT ON THE IBEW PENSION BENEFIT TRUST FUND BY THE BOARD OF TRUSTEES

The report of the Trustees of the Pension Benefit Trust Fund is made this year on June 10, 1966 in Salt Lake City, Utah. It is issued in conformity with Article III-A, Section 3, Paragraph (g) of the Employes' Benefit Agreement by which the Pension Benefit Trust Fund was created and under which it operates. This particular section of the agreement specifies that the Trustees annually "make a full and complete report to the National Board."

Of course, this "full and complete" report refers to those matters which concern our Trust Fund and its operation, but over a period of the past 14 years, these reports have been expanded to include a number of subjects which concern the electrical industry, our two organizations and the public we serve.

PUBLIC RELATIONS FACTOR

The expansion of these reports from a mimeographed sheet of figures with a few comments, to the printed version of today, came as a direct result of a suggestion made 14 years ago by Dr. Edwin E. Witte, who served as the esteemed Public Member of the National Employes' Benefit Board from its inception, until his death in 1960. Dr. Witte had this to say: "The National Electrical Contractors Association and the International Brotherhood of Electrical Workers should talk more about the areas of cooperation which exist between them. Let the public know that labor-managment relations can be good—in your case are good."

The present highly-respected Public Member of our Board, Senator WAYNE MORSE, has continued to encourage the kind of publicity inaugurated by Professor Witte, and has himself called the attention of Congress and the American people to the high degree of cooperation which exists between an employer group and a union, between NECA and the IBEW.

Therefore if some of the material and comments here presented appear to be extraneous in a review of the National Electrical Benefit Fund, please keep in mind that they are presented to give members of NECA and the IBEW, as well as the general public a thumbnail sketch of labor-management cooperation in action.

Copies of this report—about 900,000 of them—were distributed last year, not just to members of NECA and IBEW but to all members of Congress, every major library and every college in the country, to Government agencies, employers, unions and labor departments, unions and schools in foreign countries.

Because of the two-fold purpose of this report then, we briefly summarize NECA-IBEW performance in the labor-management theater of operation and co-operation.

COMMUNICATION SPARKS COOPERATION

Believing the cooperation begins with effective communication and understanding, both NECA and IBEW have followed the policy of inviting representatives from the Contractors or Union, as the case might be, to all District meetings. NECA President Richard Osborn attended IBEW's National Construction Conference in Washington, D.C. and IBEW President Gordon Freeman was a guest speaker at NECA's Annual Convention in St. Louis.

It is significant to note that at the IBEW Construction Conference which has now become an annual meeting, that the theme for the Conference was "If You Want to Sell Electric, Live Electric!" Principal speeches at the Conference were directed toward recapturing the residential wiring field, retaining electrical work for Electrical Contractors and Electrical Workers, and more and better apprentice and journeyman training, so that Electrical Workers will be able to perform even the most intricate and complicated installations, and NECA Contractors can undertake any job with assurance. Similar topics were main points treated by speakers at NECA's Convention, all of which points up the fact that the employer and the union have the same goals. They want to do all the electrical construction work in this country and do it safely and well.

CONTINUED COOPERATION ON LEGISLATION

On the legislative front, the two principal bills which directly concerned IBEW this year and last, were repeal of Section 14(b) of Taft-Hartley and the Situs Picketing bill. Once again, as in the past, the National Electrical Contractors Association supported the organized labor position when the Congressional hearings were held. NECA has also continued to take a stand unpopular with the United States Chamber of Commerce and other business interests, in support of the Davis-Bacon Act.

NATIONAL ELECTRICAL CODE

Outstanding progress was made last year insofar as the National Electrical Code is concerned. NECA members headed by President Osborn, sit on all 19 panels of the National Code Committee. It was President Osborn who conducted sessions for IBEW leadership on Code matters, and now IBEW has an active Code Committee and four of its members are serving on Code panels in various areas.

As a by-product of this joint NECA–IBEW activity, classes in the National Electrical Code are being held for Electricians in all parts of the country and hundreds of certificates are now being prepared in Washington to mark completion of Code courses.

IBEW and NECA are firmly agreed that Apprenticeship Training and Skill Improvement training are extremely important for the good of the electrical industry and all in it. This training has always been considered a major area for our labor-management cooperation. It is good then, that these annual Trustees' reports can continue to report improvement and progress in the training field.

APPRENTICESHIP TRAINING

Every year the number of local Joint Apprenticeship Committees is increasing. Encouraging too, is the steady increase of provisions for adequate financing of apprenticeship and training programs through proper clauses in the labor agreements.

The National Joint Apprenticeship and Training Committee for the Electrical Industry (NECA and IBEW) has its headquarters in Washington under the direction of Mr. L. B. Baker and Assistant Directors R. L. McIntrye and A. J. Phillips. These gentlemen work full time in the Apprentice and Journeyman field of training, striving to improve and expand the program of the National Committee.

In recent years the need for standardization of training programs was keenly felt, and as a result a National Electrical Course for Apprentice Inside Wiremen was developed, and the first year was put into use in September 1961. Subsequent years have been released on schedule with the fourth and final year completed in June, 1964. A continual program of upgrading the course and adding visual aids is being carried on.

The employers and the union in the electrical construction field have always agreed on two points—one, that an adequate force of apprentices should constantly be added to employment rolls in order to insure a constant supply of trained workmen to meet the needs of a growing industry. And two—that training of apprentices and journeymen be thorough and kept up to date.

We can report progress in both of these areas.

INDUSTRY SURVEY ON APPRENTICESHIP

The National Joint Apprenticeship and Training Committee recently undertook an industry survey.

The survey shows that there are some 18,000 apprentices in training and that the number is increasing by approximately 4,000 each year. In fact the survey indicated that some 65 percent of areas reporting, planned to increase the number of apprentices in training. Also the report showed that approximately 65 percent of all apprentices are being trained under the program of instruction developed by the National Joint Committee.

In the area of financing, information on the survey form indicates that 79 percent of all *apprentice* programs are financed through the collective bargaining agreement and 41 percent of all *journeyman* training programs are financed through JATC.

JOURNEYMAN TRAINING

In this latter field, that of journeyman skill improvement training, NECA and IBEW have been cited as the most progressive organizations in the nation. Of course, the challenge has been greatest in electricity, for no industry has changed so rapidly or so radically as ours. The skills developed to bring light and power into the home and factory, have had to be updated to do everything from turning salt seas to fresh, to putting a man on the moon.

Our organizations have risen to that challenge. Upwards of 50,000 journeymen have been trained in electrical and electronic and nuclear power work. Journeyman short courses in such subjects as Industrial Electronics, Motor Control, National Electrical Code, Blueprint Reading, Electrical Heating, etc. have helped Electrical Workers and Electrical Contractors to keep pace in an Electrical World.

COUNCIL ON INDUSTRIAL RELATIONS

The Council on Industrial Relations for the Electrical Construction Industry has always been our top example of success in labor-management cooperation. In the event that some reading this booklet are not familiar with the CIR, this is the 46-year-old organ used for settling disputes in the electrical construction industry.

The Council is made up of 12 members, six from the Contractors and six from the Union. The Council handles those cases in which the normal collective bargaining processes between local contractor and local union have bogged down and become deadlocked. This is the electrical industry's answer to strikes and lockouts. The Council decisions must be unanimous. Only once in its 46-year history has it ever had a decision violated.

Today many labor and management groups are exploring the possibility of trying to set up an arbitration and mediation organ, in an attempt to eliminate strikes and bring more stability into their respective fields. It is amazing to educators, writers, arbitrators, to learn about our Council for the first time. Our set-up is being widely recommended today in an effort to bring the same kind of peace we have known for nearly half a century, to other industries, their employers and employes.

Last year 99 cases were heard and settled by the CIR. Thus far in 1966, with two meetings down and two to go, 53 cases have been settled.

For the last five years, the CIR has averaged a workload of 100 cases per year. During that period cases have been presented from all 50 states of the Union and the District of Columbia, with the exception of Alaska, Hawaii, Rhode Island and South Carolina.

There are approximately 500 construction locals in the IBEW. This means that approximately one out of every five locals and corresponding contractor group, is using the Council each year. Of course, there are some contractors and local unions which never employ the CIR to settle their differences. However, the very fact that it exists—a Supreme Court—has been an impetus to many employer-employe groups to resolve their differences at home.

The Council on Industrial Relations is very much a part of the Electrical Industry as we know it.

We now reach the final major area of labor-management cooperation to be covered in this report.

THE PENSION BENEFIT TRUST FUND

For the benefit of those reading about the Pension Benefit Trust Fund for the first time, we would like to present a brief history.

The first Pension Plan covering workers in the Electrical Construction Industry was developed by the IBEW and applied to beneficial members of the union. It was established by the 1927 Convention of the Brotherhood and the first pension payments began in 1928. In the beginning a member with 20 years membership could retire at age 65 and receive a pension of $40.00 monthly. The pension was financed by a 37 cent per month payment by each beneficial member.

The IBEW plan was carried on without change for some 20 years. On January 1, 1947 the benefit was increased to $50.00 per month.

Until 1946, these benefits were financed entirely by an apportionment of the monthly dues (except for earnings on the fund) payable by "A" (beneficial) members, to the Pension Benefit Fund administered by the IBEW.

About 1945, the IBEW employed a firm of consulting actuaries who told them that the IBEW Pension Plan was in trouble and that considerably more money would have to be brought in if the plan was to survive. In fact the actuaries said that the 37 cent monthly contribution would have to be increased to about $5.00. It was then that the IBEW turned to the Contractors' Association to ask for help in continuing to provide pensions for its members.

EMPLOYEES' BENEFIT AGREEMENT

In 1946, NECA and IBEW reached an agreement whereby the Contractors in the Association would put 1 percent of their total payroll into a special fund (The National Electrical Benefit Fund—N.E.B.F.). Another fund was set up called the Pension Benefit Trust Fund (the P.B.T.F.). At the start, the contractors' 1 percent payments were put in the N.E.B.F. and then out of the N.E.B.F. each year, an amount which matched the total I.B.E.W. members' contributions to their own pension fund was put into the Pension Benefit Trust Fund. All pensions for the I.B.E.W. members were then paid out of our pension fund (the P. B. T. F.). Pensions were then running $50.00 monthly.

In 1952, the IBEW changed the plan so that 30 years of membership was required for the $50.00 pension. Members with 25 to 29 years would get a $40.00 pension and members with 20 to 25 years membership would get a $30.00 pension. This change did not apply to any of the members already in the plan—in other words IBEW members initiated or reinstated before 1952. About the same time the Contractors agreed to take out the whole 1 percent from the N.E.B.F. and put it into the Pension Benefit Trust Fund (instead of just matching the IBEW contributions).

Until 1957, the combined resources of the PBTF and the PBF were considered as applicable to meet the liabilities of the IBEW Members' Pension Plan, although somewhat less than half of the total beneficial membership of some 300,000 were actually working for contributing contractors. In fact, after establishment of the PBTF, the payment of all pension benefits for existing pensioners was shifted from the PBF to the PBTF, and the benefits for all new pensioners were paid from the PBTF until 1957.

NLRB RULING CHANGES SET-UP

In 1957 the National Labor Relations Board ruled that the provision of the Employes' Benefit Agreement which required 20 years of membership in the IBEW in order to qualify for pension was illegal.

As noted, prior to this ruling, all pension disbursements were made from the PBTF, and the PBF was kept fully invested, with the combined funds applicable to the Plan liabilities. The effect of the 1957 amendment was to create two separate funds, each with their respective liabilities.

As a result of this amendment, there now exists a separate plan covering all *employes* (not necessarily Union members) covered by the agreement between IBEW and NECA. The Contractors (or covered employers) still contribute 1 percent of gross labor payroll of covered employes to the NEBF, which pays operating expenses and transmits the balance of the payroll assessments to the PBTF.

The PBTF continued to pay pension benefits (at the rate of $50.00 per month) to all surviving pensioners who retired prior to June 1, 1957. The 1957 NLRB ruling also changed the existing arrangement to provide pensions for eligible employes in the electrical industry instead of only to "A" members of the Brotherhood.

Until more recent amendments effected a change, with respect to all employees who retired after June 1, 1957, the PBTF provided a pension benefit based on years of service in covered employment, a sum which was generally equal to 50 percent of the pension benefit to which an "A" member of the IBEW would be entitled under the IBEW Members' Pension Plan with a corresponding period of membership.

AMENDMENTS TO AGREEMENT

The NECA Plan has counted only "covered employment" with a contributing employer. Initially "covered employment" was restricted to employment with an employer during that period of time which the employer was obligated to contribute 1 percent of payroll to the NEBF. Since 20 years of "covered employment" is required for retirement, and since contributions (and consequently covered employment) did not commence until 1946, no employe (except for the closed group retired prior to 6/1/57) has been eligible for a benefit from the NECA Plan.

On September 26, 1964 the definition of covered employment was amended to permit the recognition of up to 5 years of past service credits, for service with an employer prior to the date the employer became obligated to contribute. These past service credits count as years of service in covered employment and were made retroactive to employes who retired, prior to 9/26/64.

This amendment allowed employes retired after 1961 to receive benefits from the PBTF.

Today as the full audit presented to all members of the National Board will show, the Pension Benefit Trust Fund has assets amounting to more than $112,000,000. Last fall the actuaries made another study of the plan and pronounced it fully funded. The fund is in excellent shape for two reasons—good return on investments; and the fact that pension benefits are flat dollar amounts while contractors have been paying 1 percent of payroll which has continued to rise. Because of this advantageous position, the change indicated above whereby employees retiring after 1961 began to draw pension from the Pension Benefit Trust Fund took place. If this amendment had not been put into effect, 1966 would have been the year for such change. The pensions added as a result of this change are reflected in the table on a subsequent page.

Because of the report of the actuaries and the soundness of the fund, the Employes Benefit Agreement was amended October 23, 1965 (effective January 1, 1966) as follows:

"The purpose of the amendment is to provide for pension payments on a graduated scale with a base of $2.00 per month per year of covered employment for each year of credited service. Consequently, an employe with a minimum required twenty years of covered employment would receive $40.00 per month and an employe with twenty-one years, $42.00; twenty-two years, $44.00, etc. Although this formula applies to all employes who commenced receiving retirement benefits from the National Electrical Benefit Fund on or after January 1, 1965, the amendment takes effect on January 1, 1966."

SUPPLEMENTAL INFORMATION

At the conclusion of this report appear our Statement of Receipts and Disbursements and a statement showing the number of members on pension for the year 1965. We have also included a copy of the application for pension so all may become familiar with it.

Your Trustees met monthly in conformity with Article III-B of the Employes Benefit agreement to approve applications for pension.

Readers will note that in 1965, because of the amendment effective January 1, 1965, which allowed for five years of past credited service to employes engaged in the electrical industry for periods prior to their employer being subject to the agreement, that the NEBF commenced paying pensions to some 2,600 additional employes.*

IBEW CHANGES TO COME

The amendment of January 1, 1966 which liberalizes the pensions is another big step in the field of labor-management cooperation. If these amendments pass, those IBEW members working for Electrical Contractors covered under the Employes Benefit Agreement will receive pensions from both funds. These payments, added to Social Security will enable Electrical Workers to live out their senior years in security and dignity. Letters reach our offices every day, grateful letters from pension members who point out how much their pensions mean to them, that they make the difference between living in modest comfort and merely existing. We think the cover of this Trustees booklet indicates the kind of future which retired workers in our industry may look forward to—a future with a measure of economic security. Such security enables a man to enjoy life, his family, his friends, and to continue to contribute to the good of his community.

It was to be expected that NECA-IBEW cooperation which has met its responsibility to the Electrical Industry and the public, would also be extended to the Electrical Workers of that industry.

Henry S. Owens and Company, Certified Public Accountants, have audited the books of the Trustees for the year 1965 and a copy has been furnished to all members of the Board.

Your Trustees wish to thank all members of the National Board and the officers of the National Electrical Contractors Association and the International Brotherhood of Electrical Workers, especially NECA President Richard W. Osborn and IBEW President Gordon M. Freeman. A special vote of thanks is extended to Wilfred D. Howell, Executive Secretary of the Pension Benefit Trust Fund for his continued fine work in the operation of his office and his assistance to us, and to Leo S. Woolls, comptroller for his cooperation and help.

A final vote of thanks must be extended to the Public Member of our Board, Senator WAYNE MORSE, for his interest not only in our Pension Fund but in the labor-management cooperation practiced by our organizations and for his work in publicizing our policies.

Respectfully submitted.

JOSEPH D. KEENAN,
ROBERT L. HIGGINS,
Trustees.

Statement of receipts and disbursements

Cash on hand Jan. 1, 1965	$567,720.00
Cash receipts:	
Contributions from NEBB	13,075,000.00
Payments—Real estate loans	14,497,870.00
Interest:	
Real estate loans	4,353,807.00
Securities	611,431.00
Sale and redemption of securities	7,489,548.00
Dividends	251,919.00
Rents	243,876.00
Commitment fees and discounts	58,465.00
Other	24,953.00
Subtotal	40,606,869.00
Total	41,174,589.00
Cash disbursements:	
Pensions paid	3,224,392.00
Securities purchased:	
Real estate loans	16,227,411.00
Securities	11,641,263.00
Time deposits	3,550,000.00
Stocks and bonds	3,817,544.00
Real estate purchased	1,153,500.00
Postage and supplies	112,379.00
Investment expenses	321,500.00
Other	25,696.00
Total	40,073,685.00
Balance, Dec. 31, 1965	1,100,904.00
Cash, Dec. 31, 1965:	
American Security & Trust Co.:	
Checking account	$941,594.00
Agency	109,310.00
Bank of Nova Scotia:	
In transit	12,150.00
Checking account	37,850.00
Balance, Dec. 31, 1965	1,100,904.00

*The total number of IBEW members on pension as of June 1, 1966, was 25,546. At its Convention in St. Louis this fall, the IBEW will introduce amendments to stabilize and liberalize its own IBEW Pension Plan.

Statement re number of members on pension, 1965

Date	Admitted	Returned to trade	Deaths	Pension received
Dec. 31, 1964				4,422
1965				
January		1	43	4,378
February			46	4,332
March	[1] 2,607		47	6,892
April	117	21	55	6,933
May	90	34	42	6,947
June	94	32	30	6,979
July	127	37	55	7,014
August	106	27	61	7,032
September	80	19	44	7,049
October	129	16	36	7,126
November	131	16	56	7,185
December	101	8	48	7,230

[1] In accord with the amendment of 1964, effective Jan. 1, 1965.

1965

Total admitted	3,582
Returned to trade	211
Deaths	563
Net increase	2,808

COMPARATIVE ANALYSIS—MEMBERS GOING ON PENSION

1964

Total admitted	4
Returned to trade	2
Deaths	504
Net decrease	502

1965

Total admitted	3,582
Returned to trade	211
Deaths	563
Net increase	2,808

[FORM NO. 8 (1966)]

NATIONAL ELECTRICAL BENEFIT FUND

APPLICATION FOR PENSION

I hereby make application for Pension Benefits in accordance with III-B of the Employees Benefit Agreement. (See instructions on reverse side.)

Name _____

Member of IBEW ☐ Yes ☐ No.

Card No _____

Social Security No _____

Born: (Month) _____, (Day) _____, (Year) _____.

I am working for _____, in the city of _____.

I (have retired) (will retire) from electrical work on: (Month) _____, (Day) _____, (Year) _____.

I have been employed since 19____ by employers subject to the National Employees Benefit Agreement and was employed for____ years in the electrical industry prior to being first employed by a covered employer. (A covered employer is one who contributes to the 1% fund.)

(If you did not perform any work for a covered employer for three consecutive calendar years prior to January 1, 1965, list the dates and reasons why below.)

_____

_____

All information listed above is true and accurate.

Witness _____, Street No _____, Street _____, City _____, State _____, Zip Code _____.

Signed _____, Please Print Mailing Address for Checks _____, City _____, State _____, Zip Code _____.

Mail to: National Electrical Benefit Fund, 1200 18th Street, N.W., Washington, D.C. 20036 (Telephone: FE 8-2183).

Pensioned approved by the Board of Trustees on _____, 19——.

INSTRUCTIONS

Effective January 1, 1966, any employee employed in an occupational classification subject to the contributory provisions of the Employees Benefit Agreement shall be eligible for monthly pension benefits when he has retired, has attained the age of 65 years and has been continuously employed in covered employment by a covered employer for not less than 20 years immediately prior to the employee's application for pension benefits in accordance with the following: $2.00 per month for each completed year of credited service.

Appendix A of the Employees Benefit Agreement which is attached hereto defines continuous employment for purposes of pension eligibility.

1. Pension Application—Deadline is the last day of each month.

(a) Qualified pension applications received from January 1 through January 31 are approved in January. Letters approving applications are mailed to the employee.

To insure that eligible employees receive pension without delay, we submit the following suggestions: Employees should obtain the necessary pension application from their Local Union, Local Board or NEBF Headquarters, at least six (6) weeks in advance. The application may be obtained in person, by letter, post card or phone.

An employee who accepts a pension may not be actively associated with the electrical trade in any way, with or without pay. He is not entitled to a pension for any month in which he is actively associated with the electrical trade.

Employees on pension who return to the electrical trade should inform the National Electrical Benefit Fund at once.

The address for mailing of pension checks should be clearly printed and the National Electrical Benefit Fund informed of any change of address.

Employees must sign the application with their written signature and not print it.

DEFINITION OF CONTINUOUS EMPLOYMENT FOR PURPOSES OF PENSION ELIGIBILITY

(Adopted by the Board of Trustees, pursuant to Article III-B, Section 5 of the Employees Benefit Agreement, April 16, 1963, effective January 1, 1965, and included in this document for your convenience)

Article III-B, Employees Benefit Agreement, provides for payments of pension benefits based on years of "continuous employment by a covered employer."

Article III-B, Sec. 5, requires that the Board of Trustees define the terms "continuously employed" and "continuous employment" by rules and regulations of equal and uniform application.

In order to determine the credit service to which an employee (including journeymen and apprentices) is entitled in establishing his eligibility as "continuously employed" and the amount of pension payment due, he shall be credited with years of "continuous employment" as follows:

A. Service credits

I. An employee shall be credited with one year of covered employment for each calendar year, prior to January 1, 1965, any part of which the employee was employed in a collective bargaining unit for which the International Brotherhood of Electrical Workers, or a local thereof, was recognized as the collective bargaining agency, and whose employer, by agreement, participated in the Electrical Workers' Pension Benefit Plan.

II. An employee shall be credited with the number of years covered employment based on his service after January 1, 1965, or after a subsequent loss of credited service and prior to date of his retirement equal to the following:

(a) The number of complete years determined by dividing the total number of hours for which contributions were made on his behalf by 1000. Contributions shall be deemed to have been made on his behalf if he was employed in a bargaining unit for which the IBEW or a local thereof is recognized as the collective bargaining agent and the employer has agreed with the IBEW or a local union thereof to participate in the Electrical Workers' Pension Benefit Plan and paid to a Local Board an amount equal to 1% of the gross labor payroll paid to the employees in the bargaining unit (provided that the employee's wages were included in the gross labor payroll upon which the 1% payment was made). Overtime hours shall be computed on a non-multiple basis, i.e. 10 hours of overtime shall yield 10 hours of service and shall not be multiplied by any premium rate.

(b) Notwithstanding paragraph A II (a) above, employee shall not be credited with a greater number of years of covered employment than the number of calendar years during which contributions were made on his behalf, which have elapsed to the date of retirement. Contributions made on his behalf shall be computed as described in (a) above.

B. Past service credits

Past service credits shall be granted to an employee employed in an occupational classification subject to the provisions of the Employees Benefit Agreement for periods of such employment prior to the date upon which his employer became a covered employer on the basis of one year of credit for each year of such continuous employment by any employer who acquires the status of a covered employer. If an employe worked for an employer who went out of business, and such business was taken over by a covered employer, or in other comparable situations, past service credit for periods of employment with the employer who went out of business may be granted, if the Trustees, in their sole discretion, are satisfied on the basis of evidence submitted to them, that it is appropriate to treat the covered employer as one who has succeeded to the business of the employer who went out of business. The maximum amount of past service credits allowed shall be five years.

Past service credits shall be deemed the equivalent of years of covered employment by a covered employer.

Past service credits, in accordance with the above designation and formula, shall be granted to employees who have retired prior to September 26, 1964, the date of adoption of the past service credit system, as well as to those employees who retire after such date.

The Board of Trustees is authorized to adopt such rules and regulations for crediting past service as are appropriate and consistent with the other provisions of this section and the Agreement.

C. Loss of credited service

An employee will not receive any credit for hours or years worked under Section A II (a) or (b) above for any year in which he fails, or failed, to perform any work for which contributions were made on his behalf as described in A I above in a calendar year prior to January 1, 1965 or fails to perform work for which contributions were made on his behalf for at least 300 hours in any calendar year after January 1, 1965, in the event an employee works less than 300 hours in any calendar year, said hours will not be included in the total number of hours as referred to in Section A II (a) above, nor shall said year be included under A II (b) above. A loss of credited service, past or future, shall occur when an employee failed to perform any work for a covered employer for three consecutive calendar years prior to January 1, 1965, or when an employee failed to work for a covered employer for at least 300 hours in any calendar year for at least three (3) consecutive years after January 1,

1965; either of which events shall cancel all credited service prior to that date, except for the following conditions:

1. Periods of permanent and total disability up to a maximum of three (3) years shall not constitute a loss of prior credited service.

2. Periods of proven disability up to a maximum of three (3) years, during which the employee receives or is entitled to receive accident and/or sickness benefits or Workmen's Compensation shall not constitute a loss of prior credited service.

3. Strikes or lockouts, up to a maximum of six (6) months, during which an employee is physically able and available to work shall not constitute a loss of prior credited service, and the three hundred hours annual minimum shall be reduced pro-rata based on said periods of strike and lockout.

4. Periods of absence from the bargaining unit because an employee is (1) serving as a full time employee of an International or Local Union or a State or National Labor Federation or similar organization, or (2) employed in a supervisory position in the Electrical Industry shall not constitute a loss of prior credited service.

(It shall be the responsibility and obligation of each individual employee to advise the National Electrical Benefit Fund of the existence of any of the conditions enumerated above which would affect said employee. Notice to the Fund shall be given at the inception of the condition and shall be accompanied by all available proof of said condition. The employee shall notify the Fund when the condition ceases to exist.)

D. Military Service

Absence from employment due to military service shall not constitute a loss of credited service provided the employee left covered employment to enter the Armed Forces of the United States of America and returned to covered employment within three months following the date of discharge or release from the Armed Forces. The term of military service shall be considered the same as though such employee had remained in covered employment while in the Armed Forces provided, however, that the employee must have been drafted, called, enlisted in lieu of draft or otherwise required by law to enter the military service. Periods of voluntary re-enlistment not affected during a national emergency or time of war shall not be considered military service for this purpose. The period of military service which counts as service under covered employment shall not exceed the actual period during which the employee was required to serve plus three months. For purposes of crediting service after January 1, 1965, an employee shall receive credit for 83⅓ hours of covered employment for each month served in the Armed Forces.

Any employee entering the United States Armed Forces under the conditions enumerated above, must complete a form prior to his entry into the Armed Forces and a form after his discharge from the Armed Forces. These forms will be obtainable from and must be submitted to the office of the National Board.

DEAN SEWARD REESE CELEBRATES 20TH ANNIVERSARY AT WILLAMETTE UNIVERSITY COLLEGE OF LAW

Mr. MORSE. Mr. President, I ask unanimous consent that there be published in the CONGRESSIONAL RECORD an article which appeared in the Willamette Lawyer for April 1966, published by the Willamette University College of Law, Salem, Oreg., under the headline "Dean Celebrates 20th Anniversary."

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

DEAN CELEBRATES 20TH ANNIVERSARY

(By Paul Aragon)

Perhaps, a hand-engraved, solid gold plated, filigreed, luminous dialed, pocket watch would be in order. One that didn't keep time too accurately.

At any rate, this year marks the twentieth year that Seward Reese has graced the hallowed halls of the law school.

For a person who left home at the age of 12 to work in a glass factory, his journey has been a long and successful one. He managed to get an education and at the same time go from railroad section worker, to steel foundry laborer, to carpenters' union member, to theatre musician, band director, choir director, Bible salesman, real estate sales manager, construction foreman, vaudeville actor and at one time even piloted his own plane. At one time, his melodious voice even graced the airwaves. (He claims that, fortunately for the public, he got out before the advent of television.)

To the good fortune of the law school, he persisted in his education, receiving his A.B. from West Virginia Wesleyan, M.A. from the University of Michigan, J.D. from Indiana University, and LL.M. from Duke University. He is also a graduate of the Army Command and General Staff School.

Dean Reese came to Willamette University in the fall of 1946, after having served as a Colonel in the Army Air Force on the staff of General "Hap" Arnold. Immediately upon arrival at the law school, a liberal trend in education could be seen. The honor system as well as the anonymous grading system were established with the blessing of Dean Reese. Barely four months after the Dean's arrival, the College of Law was admitted to the Association of American Law Schools. The Legal Aid Clinic was opened on October 15, 1947, under the Dean's direction, and to this day, is the only school-run Legal Aid Clinic in the west, with the exception of one at the University of Colorado. The development of the Legal Aid Clinic by the Dean culminated with a citation awarded in August, 1962, by the National Legal Aid and Defender Association for outstanding work in the field of legal aid.

Dean Reese still champions the Legal Aid cause, and as recently as February, 1966, delivered a speech before the King County Bar Association in Seattle entitled "30 Million New Legal Clients" which was on the subject of the poor receiving adequate legal help. This speech received radio and television coverage, and was made the subject of editorials and magazine articles.

An individual thinker, Dean Reese has written many legal and literary articles, including a three-act play and a casebook on Code Pleading. He has been the author of many law journal articles, and contributed to "Know the Law"—a column which ran regularly in the Oregon Statesman and other Oregon newspapers. He has been an advocate and defender for the cause of the College of Law, and during the past ten years, has been instrumental in bringing about the increase in the demand for a Willamette legal education, and consequently, steadily increasing the standard for admission. His twenty years at Willamette have also seen the beginning of the Willamette series of legal handbooks started in 1948 and succeeded by the Willamette Law Journal in 1959, institution of the moot court competition as part of the curriculum, the National Championship having been won by the moot court team in 1959 and the initiation of the student legal research service.

A coincidence of sorts happens to be that Dean Reese's right hand "man", Mrs. Phyllis Jo Criswell came at almost the same time as did the dean in 1946. Dean Reese claims that without her as registrar, this school would not have developed to what it is today, with its ever growing national image. "Mrs. Criswell's hard work, devotion and ingenuity have been the main reasons why the law school has attained its unusual growth and successes," states the Dean.

In spite of his active and imaginative mind, he has been known to leave the keys to his office stuck in the door overnight, and at one time was even suspected of leaving his car running while he happily went about his day's work.

An avid sportsman, he plays tennis three times a week; during the rainy winter months he will settle for a spirited game of badminton. He aspired to the candidacy for United States Attorney of Oregon in 1953, but yielded when a petition unanimously signed by the students and faculty urged him to reconsider.

Laborer, musician, actor, singer, author, playright, warrior, educator, and Dean of the College of Law. On second thought maybe the watch wouldn't be such a bad idea after all.

Mr. MORSE. Mr. President, the article pays a very deserved tribute to Dean Seward Reese, who has been dean of the Willamette Law School for a considerable number of years, with whom I had a close professional relationship when I was dean of the University of Oregon School of Law.

On this occasion I not only associate myself with the remarks contained in the article that I have had inserted in the RECORD, but I want to express on the floor of the Senate today my deep appreciation for the many outstanding contributions Dean Reese has made to the law and to the legal profession in my State. I commend him again, as I have many times in the past, for his scholarship and for his great administrative ability as dean of Willamette University Law School.

A PROPOSED RAID ON FOREST PROTECTIVE GREEN STRIPS—A THREAT TO OUR FEDERAL FORESTS

Mr. MORSE. Mr. President, recently there came to my attention a shocking and irresponsible proposal to rip open the Federal forests in Oregon. This proposal was directed to high Federal forestry officials by at least one Oregon resident who alleges that he speaks for the timber industry of my State, or at least for a substantial segment of that industry.

The appalling proposal to which I allude would involve the cutting of the protective green strips that separate logged-over sections of Federal forests. This reflects, I am sure, the view of a small number of nonconservation timbermen whose basic philosophy is that of "making the dollar" regardless of the consequences on the public interest. More succinctly, it is the philosophy of "cut out and get out" which prevailed at the turn of the century.

We see the costly price the American people have paid for a "cut out and get out" policy in the States of Wisconsin and Michigan in particular, although there were other States, including Minnesota, which also suffered from this policy.

Great economic resources were destroyed by the "cut out and get out" policy. Great damage was done to soil conservation. What we would not give now, as we drive through Michigan, Wisconsin, and Minnesota, if we could live over again those days when the tycoons of the lumber industry were permitted to mow down God's gift of great natural resources in the form of our forests, having failed to carry out our obligations as trustees.

So long as I serve in the Senate, I intend to oppose every movement aimed in the direction of repeating in my State the great mistakes made in Michigan and Wisconsin in a goneby decade.

This proposal of the cutting of the protective green strips that separate logged-over sections of Federal forests cannot be reconciled with sound conservation. This proposal reflects, I am sure, as I have said, the view of a small number of nonconservation timbermen whose basic philosophy is that of "making the dollar" regardless of the consequences on the public interest. More succinctly, it is the philosophy—I repeat—of "cut out and get out" which prevailed at the turn of the century.

Let me hasten to point out that the individual who made this reckless proposal is not representative of the majority of the people in the lumber industry of Oregon. I am satisfied that Oregon lumbermen are, by and large, conservation minded and that they wish to deal with our Federal forests as a crop to be harvested year after year, on a sustained yield basis, with an eye to the needs of future generations of Americans.

Last January 17 and on subsequent occasions, I spoke in the Senate on the subject of allowable timber cuts on Federal lands in Oregon. On January 17, I discussed the scheme that had been launched by certain timber operators in Oregon who have been endeavoring to devise a method for increasing the cut from the Federal forests with little regard for the possible adverse effects on conservation.

My January 17 statement discussed in detail the efforts of these timber operators to put to questionable use an initial draft of a research study by a Dr. Duerr, of Syracuse University, in justification of their demands for liquidating old growth timber on our Federal forests in Oregon.

This more recent proposal to cut the protective green strips is equally preposterous and dangerous. If carried out, it would permit these "cut out and get out" loggers to cut the green strips of timber that separate the logged-over sections of Federal forests that have been cut under scientific procedures. Not only would it turn forest protective covers into stump lands, but it would negate the steps that have been taken to assure the restoration of watershed values of the areas just cut.

One does not have to be a forester—he need be only an amateur conservationist—to realize that laying bare the soil on vast expanses of Oregon's mountainsides would not only make hideous wastes of our precious forests, but would destroy watershed values.

The consequences of this proposed raid on protective green strips would be disastrous to tourism in Oregon. Oregon's important tourist industry and its designation as "the Emerald Empire" would be seriously jeopardized. The sickening sight created by logged-off green strips would destroy the incomparable areas of beautiful forest scenery.

I do not intend to stand by and watch these forest raiders succeed in their efforts to sacrifice our national forests and our other public forests to the ax.

There are also those who would undertake mammoth programs of thinnings in our national forests and other public lands in "making the dollar." They would come into the young growth stands on an accelerated program of thinning out trees that presumably—I stress "presumably"—will die before they reach harvest age. I want there to be no mistake about the fact that in my judgment a sound program of thinning is a defensible program. But I have serious questions about the desirability of crash programs of thinning hundreds of millions of feet of timber without adequate advance planning.

There are also those who would develop a crash program of what they call "mortality salvage in old growth stands." This, too, is a commendable goal and one which could be realized; but again, a crash program without adequate advance planning could lead to the gutting of the Federal forests.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Making the Dollar—Secret Timber Plan Stirs O. & C. Counties," which discusses such a proposal, written by Gerry Pratt, business editor of the Portland Oregonian, and published in the Oregonian of May 30, 1966.

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

MAKING THE DOLLAR—SECRET TIMBER PLAN STIRS O. & C. COUNTIES

(By Gerry Pratt, business editor, the Oregonian)

A history of trust between the Department of the Interior and the O&C Counties in Oregon collapsed this past week when the Department of the Interior denied O&C officials the right to be brief on a program to increase the allowable O&C timber cut between 200 and 400 million feet a year.

The timber involved is only part of a secrecy-shrouded and politically protected timber program in the works which industry sources claim will also result in an additional 500-million feet of Forest Service timber going on the market in Oregon.

The amount of timber involved in both instances is only a guess, the best guess of Darrell Jones, the president of the O&C Counties Association for the past seven years and Clackamas County commissioner, who confesses: "We can only guess because when we ask for a briefing in the field we are told we cannot have the information, even though it is O&C funds they are spending and O&C lands they are planning on cutting."

Jones will fly to Washington, D.C., Monday to meet with the Oregon delegation Tuesday and review there the Bureau of Land Management studies. When he sought to brief the O&C consultant forester, Lucien Alexander of Mason, Bruce and Girard, for this meeting, Assistant Secretary of the Interior, Harry Anderson refused him the information.

"We have heard all kinds of figures on the amount of O&C timber found available under the BLM study, timber either rotting and down or available through thinning programs," Jones explained.

COUNTIES REFUND PART OF SHARE

Under its voluntary agreement with the Interior Department, Jones explained, the O&C counties refund a third of their share of the O&C timber sale funds for management, roads and reforestation of the O&C lands by the BLM.

Even after the deduction of a third of their revenues, the O&C Counties, all of the Western Oregon counties except Clatsop, plus Klamath County, collect some $20 million a year from their share of the timber sales.

"Even at $30 a thousand, this program of added harvest could mean an extra $6 million a year to the O&C counties, so naturally we are concerned," the Clackamas County commissioner added. "At $40 a thousand, a more reasonable timber cost today, it means $8 million a year more for the counties."

"In addition the industry desperately needs the added logs to help offset the expanded export of timber to Japan which is beginning to have a serious affect on our employment outlook."

Jones' chief complaint Sunday as he planned his campaign for Washington, D.C., was: "We have been full partners with the BLM in the past. We voluntarily asked Congress to take one third of our O&C revenues and invest it in sustaining these lands and we want to be full partners in this planning.

"There is a full report on the availability of increased yield of timber that is not being made available to us. We are asked to go back to Washington and get briefed without having any of the facts before we get there. The best Anderson would give us is that the information on our lands will be made available to us during the course of our meetings.

"They denied us the right to be briefed until we get it his way, and yet it is our resource and our money involved."

Jones and the O&C officials are jumpy about such dealings in the BLM since the discovery last year of a plan to swap sustained-yield lands in Western Oregon which were a part of the O&C cut program.

DETAILS ON PROGRAM SOUGHT

The Clackamas County official said he is also going to press for details on the Forest Service program to increase its cut in Oregon by 550-million feet a year.

"We have been told the Forest Service is preparing to go to Congress in August for an additional appropriation to allow it another 550-million feet of annual cut under the same salvage and thinning programs," Jones said.

Twenty-five percent of these Forest Service sales also come back to Oregon counties, Jones pointed out. "So we are intensely interested in this program as well. There are only nine counties in the United States that collect more than half a million dollars a year from Forest Service sales in their areas. Seven of those counties are in Oregon. So you can understand our interest."

At an extremely low price of $30 a thousand, Jones figures, the 550-million increase in Forest Service cuts means more than $4-million a year in additional revenues to the counties from timber sales, plus the jobs and investment in manufacturing.

"We hope to find out what these programs are and maybe we will have some suggestions about the budgets," Jones explained.

"There is a policy of secrecy developing around our federal timber programs in Oregon so that we are finding it increasingly more difficult to get the information Oregon is entitled to, concerning the management of our natural resource.

"Maybe Tuesday," he said, "we can begin to find out why."

Mr. MORSE. Mr. President, the Pratt article quotes a Mr. Darrell Jones, county commissioner in Oregon, as saying that "it is our resource and our money involved." But there are more than dollars involved in our forests.

The idea of cutting out the green strips is reminiscent of the phrase the late Adlai Stevenson used to describe the efforts of another person in public life, who was going to give this Nation "a bigger bang for a buck." Those who advance the green strip logging concept contend that more timber can be placed on the market without building additional forest roads. They talk about it as an economy measure. But it is a false economy to gut the Federal forests. It is also a false economy, I should add, to gut private forests.

Once again, I wish to warn the conservation-minded lumbermen of my State that there are loose among them a few misguided souls whose concept of conservation is that of stripping the forests to conserve profit dollars. These spoilers of the forest are bent upon destroying a conservation image and a conservation practice that the lumber industry of my State has shown a willingness to adopt and use. The citizen-statesmen of the timber industry of my State recognize that the business of cutting the forests is often misunderstood even when the best scientific principles are applied. As I said on January 17, "to all who live conservation it is disturbing that the initial cut in the Douglas Fir forests is unavoidably a severe treatment. The trees are large and heavy and contain much cull material. To obtain efficient regeneration of healthy new stands, clear cutting is silviculturally necessary. Much of this large timber is on steep and broken ground. The Forest Service makes its clear cuts in a patchwise fashion. Conservationists are pleased that foresters recognize that large continuous clear cuts are no longer acceptable from a scenic, watershed, or recreational use standpoint."

I also said then that there was a period in Oregon when there was complete clear cutting of the mountainsides. I spoke of the period when the lumber industry "mowed the trees down, and left not only the ugly views that resulted from such a practice and waste of God's gifts of these great cathedrals of forests to our people, but they did great damage to the watershed; they did great damage to the soil. The conservationist under the leadership of such men as Gifford Pinchot, one of the greatest conservationists of our time, brought an end to this ravaging of so-called clear cut for old growth timber on the forests of the Pacific Northwest."

When I discussed this forest resource problem on January 17, I pointed out that I was "sorry to say that there are still those who put profit above their obligations as trustees of God's gift of natural resources to our people." I also said, "we can operate a profitable forest industry without forest rape. We can operate a profitable forest industry and keep faith with future generations of American boys and girls by following the sound conservation programs that our Forest Service defends, supports and advances."

When I testified before the Senate Appropriations Committee this year, I suggested that the Forest Service and the Bureau of Land Management come in next year with a program designed to promote a long-range second growth management operation of major dimensions. I requested a report that would lay out the cost and the benefits, dollar and otherwise. I stress again the word otherwise. The use of this word makes it clear that what is needed is a complete analysis as to the proper level of cutting which is required for protection of the forests in the public interest.

Once again, the "cut out and get out" segment of the lumber industry is urging crash programs and novel systems of hurry-up cutting. I do not intend to play politics in our forests, and I do not intend to let others play politics while slashing through the trees. Those in high public office in the executive branch of our Government, in particular the Secretary of Agriculture and the Secretary of the Interior, as well as those of us who hold political office, might as well face up to the fact that the pressure on our forests will continue to increase from all sides. The clamor to substitute fantasy for fact and the rationalization of selfish groups to ravage our forests under the guise of sustained yield, will increase. We must be willing to stand up and be counted as trustees of God's gift of these natural forest resources and maintain them for succeeding generations. We owe it to our country to be conservationists first.

I want there to be no doubt where I stand. I am calling to President Johnson's attention the efforts that are being made by irresponsible people in the timber industry to get crash programs underway that would topple our sustained yield forest program in our great national forests and other public forests in Oregon. I am urging that the President take a personal look at these proposals, and that he issue instructions to his two Secretaries which will assure that the conservation principles for which he stands, and for which this Nation stands, are respected.

For my part, I wish to make it abundantly clear that I intend to meet the obligation that I have to present and to unborn generations. I do not intend to evade or shirk this obligation. In my judgment, the sound sustained yield, conservation, recreational, watershed protection, multiuse program in our public forests is a solemn trust; and I do not intend to let those who would make a "fast buck" out of our forests ravage them, for these forests belong to all the American people.

DISPUTE BETWEEN AIRLINES AND MACHINISTS UNION

Mr. MORSE. Mr. President, last Thursday I inserted in the RECORD the report of the Presidential Emergency Board appointed by the President to conduct hearings and to make recommendations for what, in the opinion of the Board, would be a fair settlement of the dispute that exists between five major airlines in this country and the machinists union.

At the time I also inserted in the RECORD a statement that the President made to the press and to the public after he had completed his study of our report. The President's statement left no room for doubt that the President accepted the report. Through his statement he advised the parties that in his opinion the dispute should be settled within the framework of the report.

The hearings of the Presidential Emergency Board, of which I had the honor to serve as Chairman, were conducted under the Railway Labor Act. The Railway Labor Act provides that after mediation efforts have broken down and a proposal for arbitration of the differences of the parties has been rejected by one party or both parties, the National Mediation Board should serve notice on the parties that further mediation efforts would be discontinued, at least for the time, and the procedure of the act that provides for the appointment of a Presidential Emergency Board would be available to the parties.

That happened in this case. The President appointed the Board, and we conducted those hearings. But, for the information of the public, I want to make it clear in the Senate this afternoon, as Chairman of that Board, that we conducted the hearings on the record, that the parties were notified at the beginning of the hearings that the recommendations of the Board would be based upon the record that the parties made. Our recommendations to the President would be drawn from the four corners of the transcript of record and the exhibits presented to the Board as made by the parties to the litigation.

Mr. President, as is often the case, after the juridical process has run its course, one party or the other, and often both parties, wish that something else had been placed in the record. Under such circumstances, the party or parties would like to rehash the case in the sense that they wish that the Board had considered something that they did not put in the record at all. Of course, I never do that in trying a labor case, and no one who sits in an impartial position to adjudicate a dispute and to make recommendations has any right to base the recommendation of the juridical body on anything other than the record made by the parties. We have based our recommendations on the record in the case.

Undoubtedly the officials of the airlines involved in the case were dissatisfied with some of the recommendations of the Board. That is almost invariably true when a litigant is not sustained on some issue. It is very difficult for litigants to reach the conclusion that the court was right and they were wrong.

That is a human characteristic that is easily understood. So I say that there is not any doubt about the fact that the recommendations the Board wrote on the basis of the evidence submitted were not always the recommendations that the carriers would have written if they had had the responsibility of writing the recommendations. I think we can take judicial notice that their recommendations would have taken the form of their contentions in the case. Yet, after due

deliberation, the carriers announced on yesterday that they would accept the Board's recommendations.

That does not preclude under the law—a provision of which I shall come to in a moment—the carriers seeking to modify some of the recommendations of the Board by way of further negotiations with the union. That is permissible, for under the Railway Labor Act, after the Board is appointed and, in this case, by stipulation which the parties had the right to enter into, after a date is fixed for the beginning of the running of the 60-day period which is provided for in the law, the Board has 30 days in which to conduct its hearings and make recommendations.

After the recommendations have been submitted to the parties and to the President, the parties have 30 days in which to accept or reject or modify the recommendations. At the end of the 30 days, the parties have the right to strike or to lock out.

I stress that because there appear to be some among the interested public groups that have concerned themselves with this case who are not aware of the fact that the Board did not sit as an arbitration board whose decision was final and binding upon the parties.

The Railway Labor Act specifically provides for this 60-day period, 30 days to be available to the Board for hearings and the rendering of its opinion and 30 days to be available to the parties within which they might decide whether to accept the recommendations or to seek to negotiate modifications of the recommendations, and, at the end of the 30 days, exercise their right to engage in economic action if that is their decision.

The Board started its formal hearings on May 6, rather than on April 21, the date of the President's appointment of the Board. In the absence of a stipulation by the parties, the 60 days would have run from April 21.

As chairman of the Board, I took note of the fact at the very beginning of the deliberations of the Board that if the 60 days were to run from April 21 and the parties at the end of the 60 days decided either to strike or lock out, we would be confronted with the situation, on the 4th of July weekend, of most of the commercial airlines in the country not operating.

The parties had the right under the Railway Labor Act to enter into a stipulation to extend the 60-day period. However, the parties had to agree to such an extension, and the President had to sign such a stipulation.

So, with the approval of my two colleagues on the Board, I suggested to the carriers and to the union that they enter into a stipulation that the 60 days would start to run May 6, which would be the first day on which we would schedule formal hearings. That date would take them and the country beyond the July 4 weekend.

Both sides agreed to the stipulation and the President signed it. So, if this case runs the course that would lead into a strike, the strike could not occur under the law until midnight on July 5.

The union has not accepted the Board's recommendation. In fact, I say good naturedly that the union has made clear in unambiguous language its disappointment in the recommendations, charging the board with engaging in "19th-century thinking."

One never must permit himself to lose his sense of humor if he is a middleman in seeking to settle a labor dispute.

My sense of humor tells me that probably the spokesmen for the union who gave that description of the report decided that he could not use any language to show his displeasure more with the report as far as the Chairman is concerned, than to charge the Board I headed with engaging in 19th-century thinking.

Mr. President, I fully understand that in labor disputes the motivations that sometimes prevail on the part of labor leaders, particularly when under the rules of the union, as is true in this case, the recommendation has to go to a vote of the membership of the local lodges.

With this strong pronouncement by the union's wage policy board in opposition to the Board's recommendations, there is every likelihood that when the report is finally submitted to the local lodges, it will not be approved.

But those of us on our Board are fully aware of the fact that this is a long practice on the part of this union; in the past, has turned down emergency board reports during this 30-day period in order to avail itself of the provisions of the act which permit of further negotiations during the 30-day period.

So I say in all respect, and good naturedly, to the representatives of the union in this case, "You certainly are within your legal rights to seek a negotiated settlement with the carriers for modifications of the Board's report."

But in the same spirit of respect, let me say to the officials of the union and to every member of its rank and file that, in my judgment, the case and the evidence put into the record by the union itself could not possibly sustain any recommendation beyond the recommendations that the Board made. I shall welcome having this report analyzed against the transcript of the record that the union made, for I am satisfied that impartial minds will come to the conclusion that the Board's report is fair and just to the union on the basis of the transcript.

So, Mr. President, I also say to the union that nothing could be gained, as far as the public interest or the best interests of the union are concerned, by the union failing to do everything possible to reach a negotiated settlement with the carriers in the days remaining between now and midnight July 5. That happens to be a responsibility the officials of this union, in the opinion of the Chairman of the Board, owe to their members and to the public interest. For this is a major labor dispute. This is a dispute that involves, in no small measure, the economic welfare of this country, and can very well, if it results in a strike, involve great damage to the security of the Republic.

Mr. President, the members of the Machinists Union know me well enough to know that I would not make the statement I now make if I was not satisfied that every syllable of the statement is true. I most respectfully say to the Machinists Union:

"In these days of your country's history, you cannot justify resorting to your right to strike, though I would defend you to the limit in exercising that right if a lapse of good judgment on your part caused you to decide to exercise it. For that right happens to be very basic to the preservation of our system of economic freedom."

But I say to the officers and the members of this union: "The fact that you have the right to strike does not in and of itself justify your exercising the right; for you have obligations as well as rights, and the Machinists Union owes to this Republic as well as to its own members the carrying out of a great obligation—the obligation to make free collective bargaining work during this period of time, as you seek to negotiate an understanding with the carriers for a mediation of your differences."

What I have said to the Machinists Union in the immediately preceding sentences, Mr. President, I would also say to the carriers: "You, too, have an obligation, and that obligation carries with it what I consider to be a clear duty to seek to mediate and negotiate fair adjustments of your differences."

The Railway Labor Act, Mr. President, provides for exactly that procedure. The Railway Labor Act does not provide that because one side accepts a Board's report and the other side does not, therefore the side that accepts the emergency Board's report has no obligation to proceed with negotiations. That is not what the act says.

On the basis of the statements already made by the carriers, I am satisfied that they recognize this obligation; and our Government has made available to them the services and mediation of a man who, in my opinion, has no superior in the entire field of labor relations negotiation. I refer to the Assistant Secretary of Labor, James Reynolds. Secretary Reynolds was my counsel when I was chairman of the Board appointed by President Kennedy to settle an existing east coast longshoremen's strike. He was counsel of the Board appointed by President Johnson on which I had the privilege of serving as a member, the other two members being the Secretary of Labor and the Secretary of Commerce; and he also was a close adviser of Governor Collins and me when we conducted an investigation for the President, at his appointment, in connection with the threatened nationwide steel strike.

Mr. President, Assistant Secretary of Labor Reynolds is serving as I speak this afternoon on the floor of the Senate. He started serving the parties yesterday as a special mediator to seek to bring both sides of the dispute to a negotiated settlement, in keeping with their clear obligations.

Under the Railway Labor Act, when we filed our report with the President

and with the parties, our Board went out of existence. The parties knew, of course, that we would be available for the answering of any questions that they might wish to raise as to the meaning of any section of the report in regard to which the two sides might find themselves in dispute concerning their respective interpretations thereof.

But from the floor of the Senate this afternoon, I wish to say to the parties that with the services of Mr. Reynolds, I see no reason for failing to compromise your views. I have used the word "compromise" because compromise is the primary purpose of mediation.

The Emergency Board does not sit as a mediation board. There is all the difference in the world between the functions of an emergency board and the functions of a mediator. An emergency board sits in the capacity of a quasi-judicial body in an arbitration process. An arbitration is a judicial process, not a mediation process.

An emergency board sits to evaluate the record made by the parties, applying to it elementary procedures involving burden of proof and involving the preponderance of the evidence. It decides each issue on the merits, as substantiated by the evidence. That is what all of my decisions over the last 32 years have been based on procedurally in those instances in which I sat in a quasi-judicial capacity, rather than as a mediator. But I have sat many times as a mediator, too.

What is the primary obligation of a mediator, which is the function Assistant Secretary Reynolds is seeking to perform for these disputants at the present hour? His primary responsibility is to seek to lead the parties to a conscionable compromise of their differences; he makes proposals or suggests proposals by way of compromise that do not necessarily have to do with the merits of the issue from the standpoint of the facts that support one side as against the other.

That is what the parties have the obligation of trying to do in the remaining time between now and midnight on July 5: to sit down and face up to the fact that there is going to have to be some give and take on each side, and work out a fair compromise of their differences. That should not be difficult, for there is not a single issue pending between them that cannot be reasonably compromised, although I hasten to make clear that there are some issues on which there cannot be the slightest justification for any compromise at all. It is as clear as the noses on the faces of the litigants.

But there are issues involved in the case that can be compromised conscionably because the record on them made by one of the parties or both of the parties did not justify any decision on the part of the Board except the decision that the issue should be withdrawn because the burden of proof was not sustained.

Anyone who reads the report of the Board, which I had printed in the RECORD last Thursday, will take note, and on a considerable number of issues the Board pointed out that it decided against the carriers or it decided against the union in connection with a particular issue because the proponent of the issue had simply failed to sustain its burden of proof.

In some instances, now that they have had a chance to evaluate their own record, they may be able to come forward with evidence or arguments that would justify the working out of a conscionable compromise in mediation.

There is no doubt where the President stands in regard to this matter. The President told the parties where he stood in the statement he issued last Tuesday which I put into the RECORD last Thursday . In a letter addressed to me dated June 13, 1966, the President said in part:

> This was an unusually complex and challenging case, but you helped to shape a just and imaginative framework for a just settlement.

I wish to report to the parties that if they have any doubt as to where the President stands on this case, I remove that doubt by telling them again what the President told them last Tuesday: That they should settle their differences within the framework of the report.

Mr. President, I ask unanimous consent that the letter which I received from the President be printed in the RECORD at this point.

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

THE WHITE HOUSE,
Washington, June 13, 1966.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR WAYNE: I deeply appreciate your outstanding work as Chairman of the Emergency Airlines Dispute Board.

Once again, you took the time off from your very busy life to help your President. This was an unusually complex and challenging case, but you helped to shape a just and imaginative framework for a just settlement.

I am proud of you and your colleagues on the Board and I know that the Nation is indeed grateful to all of you.

With my warmest thanks.

Your friend,

LYNDON B. JOHNSON.

Mr. MORSE. Mr. President, I have inserted the letter in the RECORD only because I want the parties to know where the President stands on the report, if they have any doubt as to where he stands.

I close by saying to the parties on both sides of this dispute: You have an opportunity to prove yourselves to be industrial statesmen; you have an opportunity to negotiate a settlement of this dispute within the framework of the Board's recommendations by agreeing, under the leadership of the incomparable Assistant Secretary Reynolds, to conscionable compromises that will make it possible for this case to be settled without the country being subjected to the shock and loss of economic action on the part of either side.

I point out to the officers of this union: You know that sooner or later the case is going to be settled. If you go to a strike, then, I think your Government and the people of this country ought to make it perfectly clear to this union that the public interest must come first, and whatever steps are necessary to put the public interest first should be taken.

Industrial statesmanship on the part of the officers of both the union and the carriers should cause them to recognize their public responsibility and settle this dispute by a negotiated settlement within the framework of the report of the Emergency Board.

(At this point Mr. LONG of Louisiana assumed the chair.)

RETIREMENT OF JUDGES IN THE DISTRICT OF COLUMBIA

Mr. MORSE. Mr. President, the District of Columbia Code provides that any judge of the District of Columbia Court of Appeals or the District of Columbia court of general sessions shall be eligible to retire after 10 or more years of service, and upon reaching a stipulated age is entitled to receive that proportion of the salary received on the date of retirement as his years of service bear to 30 years. Existing law provides that in no event may the retirement salary of a judge exceed 80 percent of the salary received on the date of the judge's retirement. A judge receiving such retirement benefits, unless ill or disabled, may, and I emphasize the word "may," be required to perform at regular retirement income, judicial duties on such courts for not to exceed 90 days in any calendar year.

The Federal Executive Salary Act of 1964 provided for increases in the salaries of all of the sitting judges in the District of Columbia Court of Appeals and the District of Columbia court of general sessions. However, that act contained no provision increasing the retirement salary of judges of those courts who had retired prior to the effective date of the 1964 Federal Executive Salary Act.

It should be remembered that judges who retired prior to the passage of the Federal Executive Salary Act of 1964 did not contribute into a retirement plan or fund. Since the passage of the Federal Executive Salary Act of 1964, judges of both of these courts are now required to contribute into a retirement fund.

The House of Representatives passed H.R. 1066 on February 8, 1965. This bill provides that two judges, namely, Judge George D. Neilson and Judge Nathan Cayton, would have their annuity computed on the basis of salaries presently paid active service judges, rather than on the salary paid the retiree immediately preceding his retirement. It also provides that when retired judges of the court of general sessions and the District of Columbia Court of Appeals perform full-time judicial duties, they will receive the salary of sitting judges.

The Senate Committee on the District of Columbia, under the able leadership of its distinguished chairman, Senator BIBLE, held hearings on H.R. 1066 on September 10, 1965.

Prior to the enactment of the Federal Executive Salary Act of 1964, associate judges of the court of general sessions received a salary of $17,500 a year. Associate judges of the court of appeals

received a salary of $18,500 annually. After the passage of the Federal Executive Salary Act, the associate judges of the District of Columbia court of general sessions received $23,500 annually, and associate judges of the court of appeals received $24,500.

Judge Neilson was appointed on April 29, 1940, by President Roosevelt and was reappointed on July 31, 1946, by President Truman.

Let me say here that I consider Judge Neilson to have performed able work on the bench, but my responsibility as a member of the District of Columbia Committee is to act on the basis of policies irrespective of any personal consideration. The fact that he has been a good judge in my judgment does not in any way justify what I consider to be a proposal made for his financial benefit which represents unsound public policy.

He was then unsuccessful in being reappointed as a judge on the court of general sessions for a third time. This judge had great difficulty in being allowed to sit on the court of general sessions until he had 20 years of service in order that he could receive retirement benefits. Members of the Senate intervened in Judge Neilson's behalf so that he could sit on the court long enough to be eligible for retirement benefits. And I think that was appropriate because, as I say, he rendered able service.

Judge Neilson, who would benefit the most from this special legislation, presently receives a retirement annuity of $11,674 annually, based on the salary he was receiving at the time he retired from the court of general sessions. Judge Neilson is not happy with his retirement annuity of $11,674 annually. I think that is too bad. I know of thousands of schoolteachers, police and firemen, civil service and military personnel, who have a retirement annuity of much less than $11,674 a year. Most, if not all, of these retired people paid into a retirement fund. Judges Neilson and Cayton did not. If the bill which Judge Neilson is actively lobbying in the House and Senate is enacted, he would receive retirement benefits of $15,667 rather than $11,674, which he is presently receiving. This increase would be based on the salary received by active service judges.

Mr. President, Judge Neilson would get $15,667 per annum provided, and I emphasize the word "provided," he did not perform any judicial duties. He would get this retirement fund automatically while, if he wished to do so, he could go fishing. Judge Neilson likes to perform judicial duties, although he is not required to perform them as a retired judge. He could be required to perform up to 90 days service a year if requested to do so by the chief judge of the court of general sessions. Of course, Mr. President, we know that the chief judge of the court of general sessions would not require Judge Neilson or any other judge to perform such duties if the judge made it known to his colleague that he did not desire to perform such service.

Judge Neilson volunteered his services free of charge, but now, Mr. President, after performing services free of charge for some 2 to 2½ years, he comes in with this proposal for special legislation, pleading and begging that he should receive retroactive pay to July 1, 1964, and the same salary as the active-service judges for the period of time he performs judicial duties. He volunteered his services to the court. Now he wants to be paid for them.

I may say, with all the respect I have for Judge Neilson, that we have a system for appointing judges. Usually when a judge is unsuccessful in having himself reappointed, he returns to the private practice of the law, takes up some other vocation, or takes a vacation.

One of the troubles I have had in my thinking about this case concerns the fact that Judge Neilson was not successful in being reappointed. That raises some question as to whether a judge who is unsuccessful in being reappointed should, in effect, have what amounts to a reappointment by being authorized by the chief judge of the court of general sessions to proceed to sit on the bench as though he had been reappointed. The type of hypothetical question that I raise does not involve Judge Neilson, so far as his qualities are concerned; but the principle exists.

A President of the United States refuses to reappoint a judge. The President has the appointing power. Whatever his reasons, expressed or unexpressed, may be, the President decides not to reappoint a judge. I raise the question as to whether a judge not reappointed should, in effect, be reappointed by the chief judge of the court of general sessions to serve for a long period of time, far beyond the 90 days provided in the emergency section of the law, as has happened in the Judge Neilson case.

If more judges are needed—and they are needed—that is why the senior Senator from Oregon has been the author of one of the bills that seek to enlarge the number of judges in the District of Columbia court of general sessions—they should be provided by way of legislation, not by the device or procedure which, in effect, permits the chief judge of the court of general sessions to circumvent the President of the United States and the Senate of the United States.

Let me make it clear that I raise no question as to the competency of Judge Neilson. But I do say that I have strong doubts as to the wisdom that has been followed in his case by assigning him to cases that have, in effect, kept him on the bench almost continuously during the long period of time since he failed to obtain reappointment by President Eisenhower.

Then when we couple with that procedural issue the legislative activity on the part of Judge Neilson to get through a bill that has the effect of having him sit on the bench as though he had been reappointed by the President, I have further difficulty with the wisdom of the principle involved.

Judge Neilson, I am advised, has performed full judicial duty during the past couple of years and is requesting that he be paid retroactive payments to July 1, 1964, at the rate of $23,500 a year. His retirement annuity, of course, would be deducted from the $23,500 annual salary. He could not receive, under the law, his retirement annuity and the full salary he proposes at the same time. This retired judge, under his scheme of things, would get an immediate windfall of many thousands of dollars. Judge Neilson writes me that he has few influential friends and that he must lobby for his bill alone. You must give it to Judge Neilson—he lobbies persistently and somewhat effectively. He has contacted anyone he believes can be of help to him in getting his bill through the Senate. Many influential citizens have contacted the committee in his behalf. All Senators would have to do is check the committee files to see how this judge lobbies for his bill.

I raised some question about this before. Senators should see the critical letters I received from lawyers who told me of their high regard for Judge Neilson, and in many instances from lawyers who happened to be close personal friends.

I respectfully suggested to them that I hoped they prepared the facts of their clients' cases, in presenting those cases in court, better than they had analyzed the facts involved in this instance.

I take the position that the person involved in the case is subordinate to the principles involved in this case; and, in my judgment, the principles involved in the case do not support the passage of this special favor by way of legislation in behalf of Judge Neilson.

Judge Neilson makes the point in his conferences and communications with me that he serves on the court more days a year than almost any sitting judge and he should be compensated for it.

Let me repeat: He does not serve on that court as a Presidential appointee. He serves on that court apparently under the permission of the chief judge of the court of general sessions. In my judgment, the chief judge of the court of general sessions should have shown more consideration for Presidential rights than he has shown in this case.

I do not question the jurisdictional authority of the chief judge of the court of general sessions to follow the procedural course he has followed. I do question his wisdom.

So when Judge Neilson makes the point that he serves on the court more days than any sitting judge, and therefore should be compensated for it, my answer to him is, "Why do you do it? Nobody has really asked you to. You volunteered. If you do not like the remuneration you are receiving, then why do you not enter active retirement?"

Of course, if I were one of the sitting judges, I would not be very happy about the reflection upon me embedded in Judge Neilson's statement that he serves on the court more days a year than any sitting judge.

Of course, he may have something there. I do not know. Perhaps it would be appropriate to find what the attendance record of the sitting judges on the bench is.

The presumption is they perform their duties. The presumption is they are not truants or deliberate absentees from duty. But I am at a loss to understand

the logic of Judge Neilson on this point. Obviously, the performance on the bench of other sitting judges, whatever that performance may be, is completely irrelevant as to whether or not the taxpayers of this country should pay Judge Neilson the compensation for which he asks when he does not sit on the bench as a Presidential appointee, but as a retired judge.

In my judgment, what this judge is attempting to do is to obtain an appointment to the court of general sessions, which he could not obtain through the regular processes—namely, reappointment by the President of the United States and confirmation by the Senate. He could not obtain this reappointment, so through this device he is attempting to turn his retirement into another 10-year appointment to the court. What the judge is attempting to do is obvious to anyone familiar with the problem.

Oh, yes, he says that he is needed on the court of general sessions. Of course, there is a need for increased judicial manpower in the court. But additional judicial manpower in the court could be brought about by the President making appointments to the bench when vacancies occur and by the passage of my judgeship bill, which would provide additional manpower to the court of general sessions in the District of Columbia.

What Judge Neilson is doing, in effect, by having his "bill" added as a rider to my judgeship bill, is to deny the court of general sessions the very manpower requirements necessary for that court.

In my judgment, Mr. President, Judge Neilson and Judge Cayton are entitled to a cost-of-living increase similar to that received by retired Civil Service employees, in order that they will receive periodic cost-of-living increases as approved by Congress for other Government employees. These judges in the past have not received cost-of-living increases. I think they should, and I shall propose that they receive a cost-of-living increase whenever other Federal employes receive such increases.

Mr. President, I cannot support H.R. 1066, nor can I support a similar provision attached as a rider to my judical manpower bill by the House.

My suggestion to Judge Neilson is that if he wants to be of assistance to the judges on the court of general sessions, he should withdraw his amendments and go into judicial retirement. By doing this, I think that the chances of increased judicial manpower for the court of general sessions will be greatly enhanced in this session of Congress.

The Neilson bill, in my judgment, possesses the odor of barnyard and should not receive favorable action.

DEMOCRATIC PARTY CONVENTION IN WISCONSIN

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point two articles from the Capital Times of Madison, Wis., of June 13, 1966, commenting upon the recent Democratic Party convention in the State of Wisconsin.

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

[From the Madison (Wis.) Capital Times, June 13, 1966]

DEMS SHOW THEY WANT VIETNAM TO BE AN ISSUE IN 1966

The national attention Wisconsin Democrats are receiving because of their break with the Johnson administration on Viet Nam is significant.

But equally significant was obvious determination of the delegates that there shall be full, free and open discussion of this issue.

The convention refused to soft-pedal, as so many of the politicians wanted it to. It insisted on discussion and action.

Its own action has made certain that Viet Nam will be an issue in the Wisconsin campaign, despite strong efforts to keep it out.

For this, David Carley, deserves a great deal of the credit. He was strongly denounced for injecting the issue into the campaign by his chief rival for the Democratic nomination for governor, Lt.-Gov. Lucey. But even Lucey found that he had to come out and make his own position known.

One of the problems with the whole Viet Nam policy has been the lack of discussion and debate. Just a year ago Wisconsin Democrats were told that they should not take a position because "only Washington knows the facts."

In this respect, the Democratic convention here may be the opening of a new phase in the role this nation has been playing in Viet Nam. Other conventions will follow the example.

It may mean that the people are fed up with spoon feeding. By open and free discussion we may find the path we seek to a peaceful solution.

[From the Madison (Wis.) Capital Times, June 13, 1966]

STATE DEMS GIVE L.B.J. SOMETHING TO PONDER ON VIETNAM

We suggest that the Democratic administration in Washington take a long, sober-minded look at the stand taken by Wisconsin on Viet Nam in their state convention here over the week end.

The convention rejected a plea from Representative CLEMENT ZABLOCKI of Milwaukee to support the President's policies and, instead, called for a cease fire, negotiations and free elections in South Viet Nam.

The action is a significant indication of the rising tide of anti-war sentiment throughout the country. It is the first Democratic state convention to break sharply with the administration on this policy.

The best efforts of the politicians to achieve a position straddling the issue were rebuffed. And the pressure of delegates for action forced the convention officials into an extraordinary recess session after the Saturday night banquet to take up the Viet Nam resolution.

Most of the grim battle was fought behind the scenes with convention officials stalling action on the floor until the party leaders, and candidates could reach an acceptable compromise.

It was obvious from the outset, however, that the convention was strongly anti-war. And it was equally obvious that the delegates were determined to take that stand.

The only victory achieved by the supporters of the President was in the subcommittee of the resolutions committee which voted four to three for a resolution which praised the President for his "restraint." The subcommittee was headed by an aide of Senator PROXMIRE, who has been one of the most articulate supporters of administration policy.

But that section was knocked out on the floor and replaced with a commendation for the President's efforts to seek a negotiated settlement and urging him to greater efforts along that line.

Unlike the Republicans, who last month tip-toed around the issue, Wisconsin Democrats have taken a position that means something. They deserve credit, as does Representative KASTENMEIER of this district who played such an important part in leading the fight for a meaningful stand.

ADJOURNMENT

Mr. MORSE. Mr. President, I move that the Senate stand in adjournment until 12 o'clock tomorrow noon.

The motion was agreed to; and (at 5 o'clock and 44 minutes p.m.) the Senate adjourned until tomorrow, Thursday, June 16, 1966, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received during the adjournment of the Senate June 13, 1966:

THE JUDICIARY

James Braxton Craven, Jr., of North Carolina, to be U.S. circuit judge, fourth circuit, to fill a new position created by Public Law 89-372 approved March 18, 1966.

William P. Gray, of California, to be U.S. district judge for the southern district of California vice Harry C. Westover, retired.

A. Andrew Hauk, of California, to be U.S. district judge for the southern district of California vice William M. Byrne, retiring.

John W. Peck, of Ohio, to be U.S. circuit judge, sixth circuit to fill a new position created by Public Law 89-372 approved March 18, 1966.

Raymond J. Pettine, of Rhode Island, to be U.S. district judge for the district of Rhode Island to fill a new position created by Public Law 89-372 approved March 18, 1966.

Walter R. Mansfield, of New York, to be U.S. district judge for the southern district of New York, vice John M. Cashin, retired.

Virgil Pittman, of Alabama, to be U.S. district judge for the middle and southern districts of Alabama to fill a new position created by Public Law 89-372 approved March 18, 1966.

Harrison L. Winter, of Maryland, to be U.S. circuit judge, fourth circuit, to fill a new position created by Public Law 89-372 approved March 18, 1966.

Executive nominations received by the Senate June 15, 1966:

FEDERAL POWER COMMISSION

Lawrence J. O'Connor, Jr., of Texas, to be a member of the Federal Power Commission for the term of 5 years expiring June 22, 1971. (Reappointment.)

NATIONAL SCIENCE BOARD

The following-named persons to be members of the National Science Board, National Science Foundation, for terms expiring May 10, 1972:

Dr. Robert S. Morison, of New York. (Reappointment.)

Dr. Emanuel R. Piore, of New York. (Reappointment.)

Dr. Clifford M. Hardin, of Nebraska.

Dr. Charles F. Jones, of Texas.

Dr. Thomas F. Jones, Jr., of South Carolina.

Dr. Joseph M. Reynolds, of Louisiana.

Dr. Athelstan F. Spilhaus, of Minnesota.

Dr. Richard H. Sullivan, of Oregon.

POSTMASTERS

ALABAMA

Joe D. Laney, Ariton, Ala., in place of U. B. Bowden, retired.

ARKANSAS

Russell R. Broyles, Farmington, Ark., in place of C. L. Broyles, retired.

Euneva W. Kaylor, Lavaca, Ark., in place of A. A. Kaylor, deceased.

CALIFORNIA

Daniel Phillips, Brea, Calif., in place of L. F. DeGroff, retired.

Howard F. O'Neil, Canoga Park, Calif., in place of W. N. Parkinson, retired.

Herbert C. Brown, El Centro, Calif., in place of J. A. O'Guin, deceased.

Jessie K. Ray, Forest Knolls, Calif., in place of J. F. Nielsen, Jr., resigned.

Elizabeth Mazzotti, Occidental, Calif., in place of B. J. Clark, removed.

Donald G. McIntosh, Ramona, Calif., in place of F. M. Raub, retired.

Donald F. Hunerlach, Vina, Calif., in place of E. C. Schmitt, resigned.

COLORADO

Faye W. Von Loh, Wiggins, Colo., in place of C. C. Haarhues, transferred.

CONNECTICUT

Sigurd Peterson, Monroe, Conn., in place of G. F. Hudak, declined.

FLORIDA

William R. Lathinghouse, Jr., De Funiak Springs, Fla., in place of M. M. Underwood, retired.

Jack R. Herndon, Lake City, Fla., in place of G. A. Warren, retired.

GEORGIA

Eual C. Anderson, Register, Ga., in place of H. L. Holland, retired.

Neil K. Guntharp, Sea Island, Ga., in place of P. T. King, retired.

ILLINOIS

H. Fred Hollaway, Benton, Ill., in place of Ted Bauer, retired.

Sterling A. Mayfield, Caseyville, Ill., in place of J. R. Depper, removed.

Edward M. Neumann, Delavan, Ill., in place of H. T. Fisher, retired.

Raymond Mooney, Dix, Ill., in place of H. A. Robinson, retired.

Chester A. Haffner, Jr., Harvard, Ill., in place of L. T. Peacock, deceased.

William F. Dhom, South Beloit, Ill., in place of J. R. Evans, deceased.

INDIANA

Fred J. Bertucci, North Judson, Ind., in place of R. F. Collins, retired.

IOWA

Russell R. Teague, Auburn, Iowa, in place of Anna Reardon, retired.

Irene M. Matthews, Blairsburg, Iowa, in place of R. N. Culbertson, retired.

Laurence J. Amfahr, Jesup, Iowa, in place of J. B. Boldt, retired.

Fransina Baker, Lewis, Iowa, in place of G. E. Kennedy, retired.

Emmett J. Bradley, Rutland, Iowa, in place of S. P. Paulson, retired.

Kathryn M. Ehrman, South Amana, Iowa, in place of F. J. Ruff, retired.

James S. Beckman, Sperry, Iowa, in place of A. J. Kissinger, retired.

KANSAS

Dwayne K. Stephenson, Ford, Kans., in place of S. R. Cochran, retired.

Timothy E. Gilliam, Greenleaf, Kans., in place of J. T. McGrath, retired.

Donald A. Peterson, Lakin, Kans., in place of Henry Michel, retired.

KENTUCKY

Anna B. Hawkins, Shepherdsville, Ky., in place of C. S. Bush, deceased.

LOUISIANA

Edmond J. Michel, Marksville, La., in place of J. O. Brouillette, retired.

MARYLAND

Marion E. Tyndall, Sharptown, Md., in place of L. J. Wright, retired.

MASSACHUSETTS

A. Myrtle Teller, Edgartown, Mass., in place of A. K. Wilde, retired.

MICHIGAN

William J. Wheeler, Calumet, Mich., in place of Joseph Schneller, retired.

Charles R. Doyle, Lowell, Mich., in place of G. A. Hale, retired.

Betty J. Freed, Sumner, Mich., in place of K. W. Holcomb, deceased.

John T. Wood, Three Oaks, Mich., in place of L. J. Pardee, retired.

MINNESOTA

Val J. Lawler, Annandale, Minn., in place of G. A. Marohn, retired.

Heye Kray, Blue Earth, Minn., in place of A. V. Mason, deceased.

David H. Campbell, Byron, Minn., in place of C. N. Lund, transferred.

Bertha H. Jones, Elmore, Minn., in place of J. H. Johnson, retired.

Herman M. Lemmerman, Fulda, Minn., in place of L. A. Helweg, retired.

Clement T. Groh, Le Center, Minn., in place of F. F. Smullen, retired.

Harold B. Johnson, Oslo, Minn., in place of E. J. Mendick, retired.

MISSISSIPPI

Bonnie L. Cole, Bogue Chitto, Miss., in place of J. F. Bullock, transferred.

Marie B. Coen, Hermanville, Miss., in place of E. D. Trim, retired.

MISSOURI

Angelo D. Mouhalis, Jr., Hayti, Mo., in place of H. A. Slentz, transferred.

John C. Crites, Jackson, Mo., in place of E. C. Martin, deceased.

Roy J. Richardson, Lewiston, Mo., in place of E. F. Arnold, retired.

Arthur E. Short, Stover, Mo., in place of J. E. Fry, deceased.

MONTANA

Eugene L. Henderson, Darby, Mont., in place of R. S. Nicholson, retired.

Roger G. Stenson, Fairfield, Mont., in place of M. A. Griffith, retired.

NEBRASKA

Maurice A. Eckholt, Whiteclay, Nebr., in place of Frank Lawrence, retired.

NEW HAMPSHIRE

Richard A. Stearns, Tamworth, N.H., in place of E. C. Mason, retired.

NEW JERSEY

John J. Schettino, Fanwood, N.J., in place of V. K. Christie, retired.

NEW MEXICO

Francis K. Boyce, Hagerman, N. Mex., in place of R. W. Cumpsten, retired.

William E. Parchman, Loving, N. Mex., in place of A. B. Jones, retired.

NEW YORK

Stephen J. Clary, Caledonia, N.Y., in place of J. J. Cunningham, retired.

Marion J. Sullivan, Cleverdale, N.Y., in place of J. Y. Short, retired.

Arsa W. Weiman, Constableville, N.Y., in place of R. S. Freeman, transferred.

Beatrice F. McCormack, Eddyville, N.Y., in place of Leola Rudolph, retired.

Charles R. Tarbox, Gowanda, N.Y., in place of P. W. Christenson, retired.

Joseph O. Kline, Great Neck, N.Y., in place of J. W. Carroll, retired.

Roger P. Hastings, Groton, N.Y., in place of C. R. Gleason, retired.

William Barr, Hamburg, N.Y., in place of A. B. Tallman, deceased.

Barbara O. Bush, Marion, N.Y., in place of K. H. Nevil, retired.

Anthony F. Gadzinski, Riverhead, N.Y., in place of H. T. Hubbard, retired.

Francis J. Foote, Valois, N.Y., in place of J. E. Hawes, declined.

Joseph B. Scott, Whitehall, N.Y., in place of J. C. Hoffman, retired.

NORTH CAROLINA

Andrew J. Garner III, Asheville, N.C., in place of Mark Sumner, Sr., retired.

Weston H. Willis, Jacksonville, N.C., in place of F. A. Smith, retired.

Cannon G. Ward, Sugar Grove, N.C., in place of V. B. Mast, retired.

NORTH DAKOTA

Francis J. Slag, Hebron, N. Dak., in place of A. E. Funk, retired.

OHIO

Homer A. Crecelius, Bellevue, Ohio, in place of G. T. Messig, retired.

Angela L. Richardson, Custar, Ohio, in place of Clara Korta, retired.

Donald J. Willis, Minerva, Ohio, in place of R. J. Davis, retired.

Fred C. Carey, Robertsville, Ohio, in place of C. B. Dager, retired.

OREGON

Russell L. Keil, Bend, Oreg., in place of F. J. Elliott, retired.

PENNSYLVANIA

Francis C. Dickman, Coplay, Pa., in place of W. G. Walker, retired.

Agnes I. Friel, Crum Lynne, Pa., in place of T. A. Friel, deceased.

James J. Fragle, Du Bois, Pa., in place of R. J. Allen, retired.

Fred E. Magee, New Milford, Pa., in place of R. F. Oliver, deceased.

Benjamin B. Mitchell III, Troy, Pa., in place of M. J. McGee, retired.

SOUTH CAROLINA

Clara P. Riley, Piedmont, S.C., in place of J. C. Riley, deceased.

Eula C. Dunn, Warrenville, S.C., in place of B. B. Carpenter, retired.

SOUTH DAKOTA

Duane B. McMahon, Colton, S. Dak., in place of E. P. Amundson, retired.

TENNESSEE

Tommy T. Luther, Bon Aqua, Tenn., in place of H. N. Tidwell, resigned.

TEXAS

Sam E. Coleman, Hallsville, Tex., in place of D. P. Cain, retired.

Cicely J. Chandler, Smiley, Tex., in place of J. W. Chandler, retired.

VIRGINIA

Daniel E. Crisman, Sandston, Va., in place of J. L. Whitlow, resigned.

WASHINGTON

Jack H. Hardin, Lynden, Wash., in place of G. A. Bremner, Jr., retired.

WISCONSIN

Elaine S. Chwala, Johnson Creek, Wis., in place of W. A. Christians, Jr., retired.

William P. Roth, Prairie du Sac, Wis., in place of A. L. Ehret, retired.

Jerome G. Kosterman, Richfield, Wis., in place of G. H. Frey, deceased.

Kenneth Felker, Tomah, Wis., in place of Kyle Sowle, retired.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 15, 1966

The House met at 12 o'clock noon.

Rev. William J. Peckham, national director of youth and student evangelism, the Methodist Church, Nashville, Tenn., offered the following prayer:

Here is the message we heard from Him and pass on to you: That God is light, and in Him there is no darkness at all.—I John 1: 5.

Our Father, in this day of revolution and unrest we turn to Thee for help. The darkness we confront is too great for our light alone. The issues are too complex for our limited wisdom and understanding. Especially do we pray for the