By Mr. SCHMIDHAUSER:

H.R. 16059. A bill to regulate interstate and foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer commodities distributed in such commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16060. A bill to amend the Federal-Aid Highway Act to permit the participation of interstate funds in retiring bonds on toll bridges, tunnels, or roads on the Interstate System; to the Committee on Public Works.

H.R. 16061. A bill to require Members of Congress and their spouses, certain other officers and employees of the United States, and certain officials of political parties to file statements disclosing the amount and sources of their incomes, the value of their assets, and their dealings in securities and commodities; to the Committee on Rules.

By Mr. SECREST:

H.R. 16062. A bill to amend the Internal Revenue Code of 1954 to authorize an incentive tax credit allowable with respect to facilities to control water and air pollution, to encourage the construction of such facilities, and to permit the amortization of the cost of constructing such facilities within a period of from 1 to 5 years; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 16063. A bill to provide compensation to survivors of local law enforcement officers killed while apprehending persons for committing Federal crimes; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 16064. A bill to amend the act of March 3, 1899, to authorize the Secretary of the Army to remove certain abandoned vessels and abandoned pilings from the navigable waters of the United States; to the Committee on Public Works.

By Mr. VANIK:

H.R. 16065. A bill to amend the act of March 3, 1899, to authorize the Secretary of the Army to remove certain abandoned vessels and abandoned pilings from the navigable waters of the United States; to the Committee on Public Works.

By Mr. SCHEUER:

H.J. Res. 1188. Joint resolution to prohibit any change, other than restoration, in the location or design of the west front of the U.S. Capitol; to the Committee on Public Works.

By Mr. SICKLES:

H.J. Res. 1189. Joint resolution to prohibit any change, other than restoration, in the location or design of the west front of the U.S. Capitol; to the Committee on Public Works.

By Mr. CORMAN:

H.J. Res. 1190. Joint resolution to prohibit any change, other than restoration, in the location or design of the west front of the U.S. Capitol; to the Committee on Public Works.

By Mr. O'HARA of Michigan:

H.J. Res. 1191. Joint resolution to prohibit any change in the location or design of the west front of the U.S. Capitol; to the Committee on Public Works.

By Mr. ASHLEY:

H.J. Res. 1192. Joint resolution to prohibit any change, other than restoration, in the location or design of the west front of the U.S. Capitol; to the Committee on Public Works.

By Mr. CLEVELAND:

H.J. Res. 1193. Joint resolution to prohibit any change in the location or design except for restoration of the west front of the U.S. Capitol; to the Committee on Public Works.

By Mr. SCHMIDHAUSER:

H.J. Res. 1194. Joint resolution to prohibit any change, other than restoration, in the location or design of the west front of the U.S. Capitol; to the Committee on Public Works.

By Mr. TODD:

H.J. Res. 1195. Joint resolution to prohibit any change, other than restoration, in the location or design of the west front of the U.S. Capitol; to the Committee on Public Works.

By Mr. REUSS:

H.J. Res. 1196. Joint resolution to prohibit any change, other than restoration, in the location or design of the west front of the U.S. Capitol; to the Committee on Public Works.

By Mr. HALPERN:

H.J. Res. 1197. Joint resolution to prohibit any change, other than restoration, in the location or design of the west front of the U.S. Capitol; to the Committee on Public Works.

By Mr. RODINO:

H.J. Res. 1198. Joint resolution to prohibit any change, other than restoration, in the location or design of the west front of the U.S. Capitol; to the Committee on Public Works.

By Mr. HELSTOSKI:

H.J. Res. 1199. Joint resolution to prohibit any change, other than restoration, in the location or design of the west front of the U.S. Capitol; to the Committee on Public Works.

H.J. Res. 1200. Joint resolution to provide for the creation of a captive nations freedom series of postage stamps in honor of national heroes of freedom, commencing with a Taras Shevchenko freedom stamp; to the Committee on Post Office and Civil Service.

H. Con. Res. 806. Concurrent resolution expressing the sense of Congress on the holding of elections in South Vietnam; to the Committee on Foreign Affairs.

By Mr. KING of Utah:

H. Con. Res. 807. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. TENZER:

H. Con. Res. 808. Concurrent resolution to provide for a permanent United Nations peacekeeping force; to the Committee on Foreign Affairs.

By Mr. BERRY:

H. Res. 902. Resolution to amend rule XXI of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. GURNEY:

H. Res. 903. Resolution to limit the size of clear-channel broadcasters; to the Committee on Interstate and Foreign Commerce.

By Mr. HALL:

H. Res. 904. Resolution relating to the distribution among the States of research and development funds made available by Government agencies; to the Committee on Science and Astronautics.

By Mr. FRIEDEL:

H. Res. 905. Resolution relating to the compensation of certain personnel of the House Press Gallery; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BURTON of California:

H.R. 16066. A bill for the relief of Shek Chi Ng; to the Committee on the Judiciary.

By Mr. CONABLE:

H.R. 16067. A bill for the relief of Miss Yolanda Bolling; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 16068. A bill for the relief of Yoshio Okada, Masako Okada, and Keikichi Okada; to the Committee on the Judiciary.

By Mr. MOELLER:

H.R. 16069. A bill to provide for the free entry of one mass spectrometer for the use of Ohio University; to the Committee on Ways and Means.

By Mr. MORSE:

H.R. 16070. A bill for the relief of Mr. Herculano Osorio and Mrs. Genobeba Osorio; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 16071. A bill for the relief of Georgios Demetrius Papageorgiou; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 16072. A bill for the relief of Irvia DiFiore; to the Committee on the Judiciary.

SENATE

WEDNESDAY, JUNE 29, 1966

The Senate met at 10 o'clock a.m., and was called to order by Hon. DANIEL B. BREWSTER, a Senator from the State of Maryland.

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

O Thou God of our fathers and our God: We lift our prayer for Thy servants in this Chamber who now must bear the heat and burden of yet another demanding day. Be Thou their strength and sure defense.

In such an hour, Lord, grant unto Thy servants a sense of Thy sustaining presence. Give strength of body and clarity of mind. Bless with a sense of true perspective, with a freshened sensitivity to human values, an appreciation of what is really important, a devotion to what is right in Thy sight.

When the sun is hot and the day so long, when the duties are many and the tasks so heavy, when demands seem beyond reason and burdens beyond endurance, when minds grow weary and tempers are tested; then man needs renewal of strength and spirit to run and not be weary, to walk and not faint.

Thus refresh and renew Thy servants standing before Thee, and empower them this day, we pray, for the faithful discharge of their high duty before men and history and divine judgment.

In the name of Christ, our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 29, 1966.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. DANIEL B. BREWSTER, a Senator from the State of Maryland, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. BREWSTER thereupon took the chair as Acting President pro tempore.

MANPOWER SERVICES ACT OF 1966

The ACTING PRESIDENT pro tempore. Under the unanimous-consent agreement entered into yesterday the

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

The LEGISLATIVE CLERK. A bill (S. 2974) to amend the Wagner-Peyser Act so as to provide for more effective development and utilization of the Nation's manpower resources by expanding, modernizing, and improving operations under such act at both State and Federal levels, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. CLARK. Mr. President, I yield to the Senator from Montana from the time on the bill as much time as he may desire.

OBSCENE OR HARASSING TELEPHONE CALLS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business may be temporarily set aside, and that the Senate proceed to the consideration of Calendar No. 1303, S. 2825.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2825) to amend the Communications Act of 1934 with respect to obscene or harassing telephone calls in interstate or foreign commerce.

The ACTING PRESIDENT pro tempore. 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 Commerce, with an amendment, on page 1, after line 5, to strike out:

SEC. 223. OBSCENE OR HARASSING TELEPHONE CALLS IN INTERSTATE OR FOREIGN COMMERCE.—Whoever by means of telephone communication in interstate or foreign commerce—

(i) makes any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent; or

(ii) anonymously makes a call or calls in a manner reasonably to be expected to annoy, abuse, torment, threaten, harass, or embarrass one or more persons; or

(iii) makes repeated calls with intent to annoy, abuse, torment, threaten, harass, or embarrass one or more persons; or

(iv) knowingly permits any telephone under his control to be used for any purpose prohibited by this section—

shall be fined not more than $1,000 or imprisoned not more than one year, or both. Each such telephone call or use shall constitute a separate offense.

And, in lieu thereof, to insert:

SEC. 223. OBSCENE OR HARASSING TELEPHONE CALLS IN THE DISTRICT OF COLUMBIA OR IN INTERSTATE OR FOREIGN COMMERCE.—Whoever by means of telephone communication in the District of Columbia or in interstate or foreign commerce—

(a) makes any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent; or

(b) makes a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number; or

(c) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

(d) makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or

Whoever knowingly permits any telephone under his control to be used for any purpose prohibited by this section—

Shall be fined not more than $500 or imprisoned not more than six months, or both.

So as to make the bill read:

S. 2825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Communications Act of 1934, as amended, is further amended by adding at the end thereof the following new section:

"SEC. 223. OBSCENE OR HARASSING TELEPHONE CALLS IN THE DISTRICT OF COLUMBIA OR IN INTERSTATE OR FOREIGN COMMERCE.—Whoever by means of telephone communication in the District of Columbia or in interstate or foreign commerce—

"(a) makes any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent; or

"(b) makes a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number; or

"(c) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(d) makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or

Whoever knowingly permits any telephone under his control to be used for any purpose prohibited by this section—

"Shall be fined not more than $500 or imprisoned not more than six months, or both."

Mr. MANSFIELD. Mr. President, I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, obscene and harassing telephone calls have become a matter of serious concern. The telephone, despite its many benefits in our daily business and personal lives, unfortunately provides a ready cloak of anonymity to the sort of person who can somehow derive satisfaction or pleasure from frightening other people. This cloak has been availed of by such people in various ways. The telephone may ring at any hour of the day or night, to produce only a dead line when answered. Sometimes the caller will merely breathe heavily and then hang up. Sometimes he will utter obscenities.

Recently, a new and most offensive form of harassment has been devised. Families of servicemen are called and given false reports of death or injury, or even, difficult as it is to believe, are gloatingly reminded of the death of a son or husband in service.

The dimensions of the problem are large and apparently growing. While the Bell Telephone system, which provides more than 80 percent of the Nation's telephone service, has only recently begun to compile statistics concerning the number of calls as to which it receives complaints, it estimates that it receives approximately 375,000 complaints a year concerning abusive telephone calls that threaten or harass the recipients. It received some 46,000 complaints of such calls in March 1966.

Mr. President, I ask unanimous consent that a detailed breakdown of such calls be made a part of the RECORD.

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

Abusive calling summary

	Number of abusive calls, March	Number of accounts	Statutes	Complaints per 1,000,000 accounts
Alabama	354	626,761	Yes	565
Alaska			Yes	
Arizona	230	382,098	Yes	602
Arkansas	117	294,865	Yes	397
California	4,751	5,037,317	Yes	943
Colorado	422	593,733	Yes	711
Connecticut	1,277	903,148	Yes	1,414
Delaware	94	152,516	Yes	616
District of Columbia	796	294,375		2,704
Florida	460	1,129,187	Yes	407
Georgia	181	873,875	Yes	207
Hawaii			Yes	
Idaho	56	130,622	Yes	429
Illinois	3,513	[1] 2,770,063	Yes	1,268
Indiana	749	748,220	Yes	1,001
Iowa	0	550,759	No	[2]
Kansas	205	526,159	No	390
Kentucky	261	461,629	Yes	565
Louisiana	226	821,797	Yes	275
Maine	163	240,398	Yes	678
Maryland	987	1,005,152	Yes	982
Massachusetts	2,327	1,755,840	Yes	1,325
Michigan	0	2,197,124	Yes	[2]
Minnesota	0	815,831	Yes	[2]
Mississippi	58	380,852	Yes	152
Missouri	1,863	[3] 1,143,331	No	1,629
Montana	100	162,690	No	615
Nebraska	0	237,346	No	[2]
Nevada	130	49,842	No	2,608
New Hampshire	121	193,234	No	626
New Jersey	3,631	2,088,996	Yes	1,738
New Mexico	159	191,252	Yes	831
New York	5,960	5,356,327	Yes	1,113
North Carolina	182	550,058	Yes	331
North Dakota	0	124,884	Yes	[2]
Ohio	2,526	[4] 2,337,365	Yes	1,081
Oklahoma	173	612,139	Yes	283
Oregon	278	468,353	No	594
Pennsylvania	3,203	2,882,227	Yes	1,111
Rhode Island	465	286,776	Yes	1,621
South Carolina	338	365,966	Yes	924
South Dakota	0	141,234	Yes	[2]
Tennessee	476	805,176	Yes	591
Texas	2,677	2,154,945	Yes	1,242
Utah	165	265,153	No	622
Vermont	37	100,380	No	369
Virginia	835	825,168	Yes	1,012
Washington	348	[5] 752,262	No	463
West Virginia	378	375,824	Yes	1,006
Wisconsin	619	883,044	Yes	701
Wyoming	54	89,310	No	605

[1] Includes part of Indiana.
[2] No report.
[3] Includes piece of Illinois.
[4] Includes Cincinnati.
[5] Includes piece of Idaho.

Mr. PASTORE. Mr. President, a telephone company witness testified that most of the calls are probably intrastate, but indicated that only after an investigation of a complaint has been successfully completed is the telephone company able to classify offending calls as intrastate or interstate. It should not be overlooked that these figures deal with complaints actually received by the telephone companies. It is to be assumed that many such calls are made which never become the subject of such a complaint.

Some remedies do exist at the present time. Thirty-eight States have statutes, varying somewhat in content, but generally prohibiting the making of various types of obscene, harassing, or annoying telephone calls. These specific laws, many of which are of recent origin, appear to be helping. The telephone companies' right to discontinue service where the making of such calls violates company tariffs is probably also of some value. And it is to be hoped that recent telephone company publicity given to the problem, and how they will serve customers who receive such calls, will have a beneficial effect on the problem. But no Federal law deals with the problem, and the witnesses before the committee agreed that Federal legislation directed to such abusive calls in interstate commerce is desirable to close the "interstate gap." This is a logical approach in view of the fact that the Federal Government has undertaken, under the Communications Act of 1934, to establish a comprehensive scheme of regulation of the telephone system. Federal legislation dealing with interstate abusive calls should also simplify prosecutions of interstate calls by permitting them to take place where it may be convenient for the witnesses. In this regard, title 18 United States Code, section 3237, would permit prosecution of such offenses in any district in which the offense was begun, is continued, or is completed.

The Committee on Commerce carefully considered the language of the bill in light of all testimony. A number of witnesses expressed a preference for S. 2825, which limits the Federal legislation to the District of Columbia and to calls in interstate and foreign commerce. The committee heard testimony that the State laws in this area are working well and that cooperation received by the telephone companies from local authorities is excellent. Moreover, it was pointed out that even in the 12 States having no specific statute directed toward obscene and harassing calls, convictions are sometimes obtained for such offenses under general laws dealing with breaches of the peace, and so forth.

Therefore, the bill as reported by the committee now affords full protection to the legitimate telephone users as well as complete protection of free speech. The enactment of this legislation will aid in dealing with obscene and harassing telephone calls generally; and will provide an appropriate remedy to reach those calls made within the District of Columbia or in interstate or foreign commerce.

Mr. President, the bill was reported unanimously by the Committee on Commerce. I understand there is no controversy about it. If there are any questions, I shall be happy to answer them.

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

Mr. PASTORE. I yield.

Mr. SALTONSTALL. I have one question. Do I correctly understand that the bill simply makes such an interstate call a Federal crime?

Mr. PASTORE. The Senator is correct. The bill has the unanimous approbation of the committee.

Mr. SALTONSTALL. I thank the Senator.

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

Mr. PASTORE. I yield.

Mr. KUCHEL. I believe everybody favors what, apparently, the bill provides, but I do not quite understand its limitations. If I should telephone the Senator and use foul or abusive language against him, in the nature of a criminal libel, would that constitute a criminally actionable offense under the bill?

Mr. PASTORE. It certainly would, within the purview of the bill.

Mr. KUCHEL. If it were in interstate commerce?

Mr. PASTORE. The Senator is correct.

Mr. KUCHEL. Why could it not be at any place along a line that serves more than one State?

Mr. PASTORE. It could be, but 38 States already have intrastate laws, and there was no desire on the part of the committee to usurp the jurisdiction or authority of the States. That question was argued at length. What the Senator from California suggests was the intent of a bill introduced by the distinguished Senator from Missouri [Mr. LONG]. He would have made such intrastate and interstate calls Federal offenses. The subject was debated at length, and objection was voiced to making the bill all-inclusive. For that reason, it was made to apply to interstate calls, the States being allowed to conduct their own affairs.

Mr. KUCHEL. The Senator from Rhode Island is a good lawyer, and he is my friend. I am for the bill, but had I been a member of the committee, I would have approved the other broader approach.

Mr. PASTORE. So would I, and it would have been within the purview of the Constitution. That could have been done, and done well, but there was objection to it.

Mr. President, Senator HARTKE has raised the question of the meaning of the language in the committee report on page 6 of this bill and whether it is designed to create an apparent exemption of calls made for legitimate business. For example, a call made by a bill collector. This language was inserted in an effort to clarify the fact that a legitimate call can be made even though it might harass the person called.

Repeated calls by a bill collector or the use of obscene language even by someone in business or trying to collect the bill is still prohibited by this legislation. Anyone pursuing legitimate business by telephone may do so, so long as he adheres to the letter and intent of this act. The language of the report in no way should be construed to give special license to bill collectors, creditors, or anyone else even though his purpose be legitimate business.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill (S. 2825) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. CLARK. Mr. President, I yield 8 minutes on the bill to the Senator from Missouri [Mr. SYMINGTON].

THE WORLD BANK AND ITS SOFT LOAN WINDOW

Mr. SYMINGTON. Mr. President, with respect to the offering of $175 million of bonds of the International Bank for Reconstruction and Development—World Bank—in the United States, and its effect upon the balance-of-payments problem of this country, apparently the World Bank did not think much of our apprehensions.

In this connection, despite the Bank believing that this money could not be borrowed abroad, the Inter-American Development Bank has just announced that it has borrowed $10 million in Japan alone.

The Wall Street Journal of June 14 states:

> George D. Woods, president, told a press conference that, in planning the offering, the international agency had agreed with the U.S. Treasury to initially invest the proceeds in the U.S. Government agency obligations and U.S. bank deposits to eliminate any immediate effect on the U.S. balance-of-payments deficit . . .

In a statement before this body on June 16, however, I raised the question: Why is it necessary to issue these bonds if they are not going to be used for the purpose for which the World Bank is organized, namely, for making loans to other countries?

The bonds have behind them the guarantee of the callable capital subscribed to by the United States; and in the past World Bank bonds have been rated "triple A."

Why is it necessary to now offer more of them for sale through the "investment fraternity," when credit is already so tight in the United States, and at a time when American corporations are being asked to curtail their investment programs, in this country as well as abroad.

My overriding concern is the effect of such World Bank financing on the U.S. balance of payments. Although, in this particular issue, the World Bank said they would not use the proceeds for loans until the end of 1967, at the same time they stated they expected to go back to the U.S. money market with new bond issues every fiscal year. The Bank has also left the door open to come back to the U.S. market any time before 1967.

Last year the Bank sold $200 million in the U.S. market. It is true some of the bonds were sold abroad, but it is fair

to assume that most of them find their way into U.S. investment portfolios.

What the World Bank is creating by these annual security issues is a continual flow of dollar funds which, of course, they intend to loan to other countries; and the annual report of the Bank for the fiscal year 1965, page 14, indicates that the commitments and disbursements of the Bank have been increasing by leaps and bounds.

Disbursements have increased from an average of approximately $500 million a year between fiscal year 1959 and fiscal year 1961 to $600 million in fiscal year 1965; but commitments have increased from approximately $625 million a year in the fiscal year, 1959–61 period to over $1 billion in 1965.

Admittedly, the Bank is going to need money to meet these commitments; and this brings us to the question of what will happen to the U.S. balance of payments as these disbursements are made. The record shows that identifiable procurement in the United States under World Bank loans in recent years is between 20 and 30 cents out of every dollar disbursed. The rest adds to our balance-of-payments imbalance by going to other countries.

It is clear that the World Bank is laying the groundwork now, for continual dollar outflow in the future, and unless this program is at least cut down to size, we will have that much more difficulty in finding our way out of the quagmire of international deficits.

Last year the distinguished Senator from Illinois, the minority leader, offered an amendment to the Foreign Aid Act which directed the Secretary of the Treasury, or his designated representative, "to refuse to permit the flotation in the United States of new security issues of the World Bank and the Inter-American Development Bank, and to refuse to permit the proceeds of dollar borrowing of either of these two institutions from U.S. financial institutions to be exchanged for the currency of any other country until the United States had experienced a surplus in its balance of payments for four consecutive quarters."

After assurance was given the Senate by the Secretary of the Treasury that the balance-of-payments effects of these security issues would be considered in any new proposals, the minority leader did not press his amendment.

I hope he will offer it again this year. He should have our full support, because it would seem more necessary than ever to have congressional expression on this question.

What are the influences in the United States that are so strong as to achieve this continuance of a policy of "business as usual," a policy which in turn continues to erode the stability of the dollar and its purchasing power?

And there is more to all this than the above. As of March 31 of this year, the World Bank had $2,158 million as an undisbursed balance of effective loans. At the same time the Bank held loans in the total amount of $6,272 million.

Most of these loans—and one would presume commitments—are to a number of countries.

Outstanding loans to India for example total $707 million, to Japan $656 million, to Mexico $507 million, to the Philippines $100 million, to Brazil $223 million, to Colombia $331 million.

Now one of the principal arguments being made for the currently requested foreign aid program, and for such soft loan windows as the International Development Association—soft loan window of the World Bank—is the debt burden of aid-receiving countries.

In the Foreign Affairs magazine—January 1966, volume 44, No. 2—the President of the World Bank summed it all up when he said:

> The solution of the debt problem is within the power and the means of the developed countries. They can ease their own terms, and they can dispense finance through other channels. One of the latter is the Bank's affiliate, IDA, the major international institution for transferring capital to the low-income countries on concessional terms. IDA's clients so far comprise 29 of the poorest nations; its credits are extended free of interest (although there is a small service charge) and for a term of 50 years.

There has been little delay in implementing these plans, as evidenced by an article of June 22 in the New York Times which starts off:

> George D. Woods, president of the International Bank for Reconstruction and Development (World Bank), said today he would begin a campaign early next month to win increased funds for the International Development Association, the soft-loan arm of the World Bank.
>
> Mr. Woods predicted difficulty in winning Senate approval for the appropriation, but said it was essential if the I.D.A. was to continue operations beyond the end of this year.
>
> "We have about run out of funds," he said.

It is all getting to be quite interesting. The World Bank continues to make hard loans from borrowings in the U.S. market, which borrowings add to the dollar drain. Then later the World Bank comes out for soft loans from their soft loan window in order to help many of these borrowers repay their World Bank obligations on what we the people had presumed was a sound hard loan. This further adds to the dollar drain.

Let us note the interesting comment:

> We have about run out of funds.

As the fiscal and monetary problems of the United States continue to increase, are we in turn to continue, forever, at the American taxpayers' expense, heavy 50-year, no-interest rate loans to other countries, at the same time domestic credit is steadily tightening in this country.

Where is all this going to end unless we take a stand against these continuing policies and programs which can only further undermine the dollar—that basic pillar of all free world monetary responsibility and physical defense.

I ask unanimous consent that this article from the June 22 New York Times be inserted at this point in the RECORD.

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

[From the New York Times, June 22, 1966]

AID RISE SOUGHT FOR POOR LANDS—WORLD BANK'S CHIEF WARNS FUNDS ARE DEPLETED

(By Albert L. Kraus)

WASHINGTON, June 21.—George D. Woods, president of the International Bank for Reconstruction and Development (World Bank), said today he would begin a campaign early next month to win increased funds for the International Development Association, the soft-loan arm of the World Bank.

Mr. Woods predicted difficulty in winning Senate approval for the appropriation, but said it was essential if the I.D.A. was to continue operations beyond the end of this year.

"We have about run out of funds," he said.

The I.D.A. makes interest-free development loans on 50-year terms to countries that do not qualify for regular World Bank credit.

Mr. Woods said there was no question that the United States and the six other countries that provided the bulk of support for I.D.A.—Britain, Germany, France, Italy, Japan and Canada—would continue their support. "The only question is how much," he declared.

Mr. Woods made his remarks in a review of the bank's activities to a group of newsmen at an annual briefing session at the bank's headquarters here.

Earlier, Irving S. Friedman, his economic adviser, estimated that the less-developed nations could use $3-billion to $4-billion more in development aid, largely on I.D.A.-type terms. He said this assessment resulted from a country-by-country review made a year ago and that the need was even greater now.

Mr. Woods said greater cooperation between the World Bank and the International Monetary Fund was developing in handling the problems of countries than ran into debt-rescheduling difficulties. He suggested that the problems were likely to increase.

The World Bank president said he was hopeful that he would be able to announce the final signature and ratification of the international agreement creating a Conciliation and Arbitration Service under World Bank auspices by the end of September, the date of the institution's annual meeting.

He said that 20 nations had to approve the agreement, which for the first time provides machinery for settling disputes between governments and private concerns. So far, he said, 37 nations have signed the agreement and six have ratified it. He added that if ratification was not accomplished by this year's annual meeting, "it certainly would be by next year."

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

Mr. SYMINGTON. I am happy to yield, if I have time remaining.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. CLARK. Mr. President, I yield 1 minute to the Senator from Massachusetts [Mr. SALTONSTALL] to continue the colloquy.

I wish to point out that the rule of germaneness is technically in effect. Many Senators are most anxious to complete action on the pending bill. They have important engagements. While I do not wish to be discourteous to any Senator, I must hold down the amount

of time taken for ordinary morning hour business.

Mr. President, I yield 1 minute to the Senator from Massachusetts [Mr. SALTONSTALL] for colloquy with the Senator from Missouri [Mr. SYMINGTON].

Mr. SALTONSTALL. I thank the Senator from Pennsylvania.

The point that the Senator from Missouri [Mr. SYMINGTON] is making is that where these other nations today have capital, the sale of the World Bank bonds, and so on, should be made and bought in those countries rather than sold in the United States. That is fundamental.

Mr. SYMINGTON. The able Senator is correct. That is one of the points made.

Why go to the New York market for money when money is already so tight here in the United States, and when bonds could be sold abroad if a real effort was made? This money is ultimately for loans abroad.

Secondly, it is unfortunate that now when some hard loans, of the World Bank, come due, apparently the only way they can be paid out is by tapping the soft loan window of that Bank. This shows it actually was not a hard loan at all.

The plan now being developed can only work further against our very serious balance-of-payments problem; and of course against the best interest of the American taxpayer.

Mr. SALTONSTALL. I thank the Senator.

Mr. KUCHEL. Mr. President, I yield myself 1 minute.

I was most impressed by the perceptive observation which my friend, the Senator from Missouri [Mr. SYMINGTON] makes.

I recall with him the eloquence with which the minority leader [Mr. DIRKSEN] offered his proposal a year ago. That proposal will be before us again, together with the entire problem, in a couple of weeks.

I thank the Senator from Missouri [Mr. SYMINGTON] for the perceptive comments he has made.

Mr. SYMINGTON. I deeply appreciate the comments of the senior Senator from Massachusetts [Mr. SALTONSTALL] and the distinguished assistant minority leader [Mr. KUCHEL], and I am gratified to note their interest in this important matter.

ORDER OF BUSINESS

Mr. CLARK. Mr. President, will the Senator from California [Mr. KUCHEL], as manager of the minority, yield to the Senator from Massachusetts [Mr. SALTONSTALL] time on the bill?

Mr. KUCHEL. Mr. President, I yield 4 minutes to the distinguished Senator from Massachusetts [Mr. SALTONSTALL].

Mr. President, I ask unanimous consent that after the Senator from Massachusetts [Mr. SALTONSTALL] has concluded, that the absence of a quorum be suggested without impinging on the time under the control of either side.

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

Mr. JAVITS. If the Senator will withhold his request for a moment, let me ask whether this is under the unanimous-consent request that the time will not be charged to the bill?

The ACTING PRESIDENT pro tempore. The Senator is correct.

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

Mr. MORSE. Mr. President, will the Senator from Pennsylvania yield me 2 minutes on the bill?

Mr. CLARK. Mr. President, reserving my rights under the rule of germaneness, which I may have to invoke, I am happy to yield 2 minutes on the bill to the Senator from Oregon.

Mr. MORSE. I thank the Senator from Pennsylvania. Mr. President, I regret to interrupt a unanimous-consent agreement on the pending legislation, but after all, I think a brief discussion of our war policy should come first.

THE BOMBING OF NORTH VIETNAM

Mr. MORSE. Mr. President, We have all received the tragic news over the wire services of the bombing by American planes within 3 miles of the heart of Hanoi, as well as the news of the bombing by American planes of docks in Haiphong Harbor.

Those of us who, from the beginning, have opposed the immorality and illegality of the U.S. war in southeast Asia are shocked and saddened by this inexcusable escalating of the war by the Johnson administration. In the very brief period I shall take, I wish to say that in my judgment this shocking international outlawry on the part of the Johnson administration in southeast Asia should, at least symbolically, lower to half mast every American flag everywhere in the world.

This course of warmaking by our country in an undeclared war has demonstrated to the world that the greatest threat to the peace of the world is now the United States. We can no longer, out of nationalistic smugness, take the position that our undeclared war does not endanger the lives of thousands of innocent civilians—men, women, and children in the population center of Hanoi.

This is the course of action that a General Ridgway, a General Gavin, and a George Kennan warned the American people months ago would be our country's course of action if we did not stop escalating the war.

As one opposed to this war from the beginning, let me say to the American people, "Your Government is conducting a shocking act of outlawry which will redound to the historic discredit of our country for generations to come."

Mr. President, I continue to plead that we return to the framework of our idealism and our Constitution. The American people should demand that the President of the United States stop this shocking bombing in North Vietnam by announcing to the world that we will dispense with further bombing in North Vietnam and call upon the other nations who are members of the United Nations to join us in enforcing a peace in southeast Asia.

The United Nations cannot justify its failure to order a cease-fire in southeast Asia and proceed to enforce it. The United States has a solemn obligation to history to support a cease-fire order.

I ask unanimous consent that a clipping from the Capital Times of Madison, Wis., dated June 27, 1966, be printed at this place in the RECORD, and that it be followed by an article "The Crime of Silence" from the June 17, 1966, issue of the Commonweal. The author, Gordon Zahn, is professor of sociology at Loyola University in Chicago.

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

[From the Capital Times (Madison, Wis.) June 27, 1966]

LAIRD SHEDS 'HAWK' FEATHERS

Representative MELVIN LAIRD, Republican of Marshfield, emphatically disputes those Wisconsin Democrats who paint him as an arch-warhawk uging expansion of the Viet Nam war.

"I am keeping the Republicans quiet on the issue. It is ridiculous to talk about military victory in Southeast Asia. I favor peace by negotiations."

LAIRD says President Johnson is the "hardest of the hard liners" and is determined to spare no resources in an effort to win the war.

At the same time, according to LAIRD, Johnson seeks to pose as a moderate, "by pointing to MORSE and FULBRIGHT on one hand and by trying to find some Republicans he can point to on the other."

"But as long as I am chairman of the House minority conference he's not going to be able to drive down that middle course."

"I have cautioned my people not to attack FULBRIGHT and FULBRIGHT has told me he appreciated what I was doing."

LAIRD feels the administration made a grave blunder in Viet Nam by sending in ground troops rather than "using the power we had in areas where we are supreme"—namely air power and a "Kennedy-type" blockade of Haiphong.

Before the massive increase of U.S. infantry forces, LAIRD says he told President Johnson "person to person," that LBJ would never succeed in pressuring the Reds to the bargaining table through land warfare.

"But that advice was rejected, because Johnson—no matter what he told the public—decided to go for victory and not for negotiations."

Now LAIRD feels it is too late to reverse the strategy because the troop outflow is "programmed for the next seven months."

LAIRD predicts there will be more than 400,000 American servicemen in Viet Nam shortly, with no end in sight—either to the demands on manpower or to the fighting.

[From the Commonweal, June 17, 1966]

THE CRIME OF SILENCE—ARE WE ACCOMPLICES IN MASS MURDER IN VIETNAM?

(By Gorden C. Zahn, author of "German Catholics and Hitler's Wars")

My thesis simply stated is this: our government is making murderers of us all. This is not to be passed off as a "shock opening," a rhetorical device to win the attention of the reader. On the contrary, it is

a deliberate and saddening conclusion to which I have been forced by my personal interpretation of current events. As each day passes with its new quota of injustice and atrocity, one thing becomes ever clearer. We are accomplices, before and after the fact, some of us by direct participation, the rest of us by our silent acquiescence.

This is not just a personal judgment reached by me and the rest of the dissident few in our midst who are trying to register some effective protest. My observation and discussions in England and elsewhere in Europe have revealed it as a widespread opinion and one that is gaining in intensity with each new escalation of the conflict in Vietnam. We cannot ignore it when a prominent German liberal writer demands publicly that American politicians and generals be brought before a new international tribunal to face charges of violating the standards we ourselves proclaimed at Nuremberg. Nor should we be took quick to pass this off as some fanatically extreme (or even "Communist-inspired") opinion. There *are* war criminals in our midst, and what is far worse, we know of them and their deeds—and close our eyes to them.

For example, some of these criminals were shown on Chicago television not too long ago in a film documentary prepared by the Canadian Broadcasting System. One memorable sequence concerned an act that, to say the least, was a clear violation of the Geneva conventions. A Vietcong captive was stretched out on the ground with one of his captors kneeling on his groin while another poured hatfuls of water down the victim's nostrils. When the unfortunate captive finally died—still "on camera," mind you—his body was unceremoniously kicked aside into a ditch. It is hard to decide which was worse: the disgusting deed itself or the picture of the others who stood around (Americans included, needless to say) looking quite pleased, even entertained, by the gruesome proceedings.

The same program went on to feature an American pilot filmed in the process of completing a "successful" bombing mission. One had to see and hear this to catch the excitement and jubilation in the pilot's voice as he described the splendor of the hits and the panic of the villagers scurrying for their lives while he looked down on them from above. It took me back to the Thirties for a moment, recollecting the horrified gasp with which most Americans greeted that Italian pilot who spoke of the "beauty" he found in the mixture of bombs, blood and flame that reminded him of "flowers" bursting into bloom as he ran his missions against the helpless Ethiopians. (One might even say the Italian must be given the better of the comparison: his was an ecstasy born of aesthetic appreciation; our countryman's delight stressed the technical perfection and sheer efficiency of his operation.)

The case does not rest on a single television documentary, however. Our national press has provided detailed descriptions of innumerable other instances of similar behavior—served to us, replete with photographs in many cases—with our breakfast coffee. Sometimes the atrocities are committed by our own men; more often by the allies for whose actions we must take full responsibility, since it is our support and encouragement that makes those actions possible. If, as it has been charged, Oradour and Lidice are today villages in Vietnam, these crimes against humanity must be on our consciences; and we should insist that those immediately responsible for them must someday be brought to judgment.

In a special sense, all of this involves us not only as Americans but as Christians and Catholics. In view of all the writing I have done about the failure of German Catholics to effectively [illegible] the intrinsically evil policies and programs of the Nazi regime, it would be neither possible nor permissible for me to ignore the inescapable parallels which find American Catholics and their spiritual leaders remaining silent before the fact of the misdeeds being committed today by our nation and its allies. Indeed, not only is it a matter of failure to speak the word of protest that is so desperately needed; Catholic opinion, where it is registered, seems to favor an extension of those same policies which have led to the crimes described.

We have, for instance, the recent report of the shocking (but not at all surprising!) results of a national poll in which more than 60 percent of the Catholic respondents favored the use of "whatever added force is necessary to win." Read that carefully: *whatever added force is necessary!* I would like to think that these Catholics really did not mean what they said (nuclear bombing, perhaps? a "Final Solution" exterminating all suspected of Vietcong sympathies?). Unfortunately, I am pessimistic enough to believe they did, and my pessimism is not at all lessened by the appeal by one of our leading Catholic "experts" in international affairs that we revise our traditional moral teaching on war to permit the intentional killing of innocents!

Catholics today are appalled by the flagrant nationalism in the statements of Military Bishop Rarkowski during the Nazi period. But what are we to make of the statements of our own military bishop who seems to have gone beyond even those extremes? At least Bishop Rarkowski couched his enthusiasm for Nazi Germany's war effort in his apparently sincere, however deluded we might think it to be, conviction that Hitler's wars were just wars. Cardinal Spellman, however, has reportedly embraced Decatur's dictum that, right *or wrong*, the nation's cause is to be supported. (And what is perhaps more scandalous than the Cardinal's statement is the fact that our more distinguished journals of Catholic opinion have let it pass without comment.)

THE WAY THE WAR IS FOUGHT

The justice or injustice of the war in Vietnam is not the central issue in this article, however. I have made it sufficiently clear elsewhere—and will undoubtedly find other occasions for doing so—that I do consider this a patently unjust war. But I am concerned here with something quite different: the acts and policies associated with the prosecution of the war which ought to be condemned by every Christian, even those—*especially* those—who do not share my overall rejection of the war itself.

Nor can this be read as justifying or "forgiving" the crimes committed by those on the other side. Murder and terrorism are to be condemned outright and unequivocally, irrespective of who may be employing them or for what purpose. It is quite irrelevant, too, whether the National Liberation Front assassinations of village officials be numbered in the tens, the hundreds, or the thousands—just as irrelevant as that senseless debate as to whether the Nazis exterminated six million Jews or "only" one million. The willful murder of even one man (whether by Nazi, Vietcong, South Vietnamese, or American "advisor") is a crime and deserves unhesitating condemnation as such. But of course, *our* primary responsibility is still the crimes committed by *our* men and *our* allies, and it is with these that this article is concerned.

Unless and until a massive Christian protest is voiced, that responsibility will not be met. There is little hope that improvement will originate with the national Administration. President Johnson shows little or no concern that his most consistent and enthusiastic support is coming from those very persons and groups who opposed him at the last election. In fact, he seems to rejoice in this as a manifestation of some kind of national "consensus," conveniently overlooking the fact that he has lost the support of many who helped elect him. There is much justice to the cynical observation that, as long as we have the Goldwater policy, we might just as well have taken the man. If nothing else, that policy would have been presented in the blunt candor that distinguishes its author's public posture and not smothered, as each new escalation has been, in the sickening syrup of pietistic self-righteousness.

One might hope that more of our Catholics in the national legislature would be exerting their influence to assure a fuller recognition of, and respect for, the essential demands of morality; but, here again, the pattern seems to be that of an uncritical acceptance of whatever policy the State Department and the generals present as "necessary." We can take great pride in the outstanding exceptions to this, men like Senators KENNEDY and MCCARTHY to mention only two, but the sad fact remains that the more consistent and certainly the most outspoken opposition to the Nation's involvement in Vietnam have come from men who are not of our faith.

Perhaps we cannot be too critical of our Catholic politicians on this score. The same pattern of unconcern and disregard has marked the actions (or, to be more accurate, the *absence* of any action) on the part of the hierarchy itself. Pope Paul (and John XXIII before him) might as well have been speaking as a Moslem leader if we are to judge by the echo his consistent appeals of peace and peace action have received from the spiritual spokesmen for the American Catholic flock. That scandalous eagerness on the part of those *Register* Catholics to embrace "whatever added force is needed to win" can be traced in large part to the failure of our bishops to provide any moral guidance or direction on this crucial moral issue. *Refusal* is probably a more accurate word than "failure" in this context, as the editors of *Continuum* and *the National Catholic Reporter* discovered in their futile effort to get the bishops to take a stand, or even to express an opinion, on some of the more pressing moral aspects of the war. One watches with great interest to see how Dr. O'Brien's comments on the question of intentional killing of innocents will be greeted by bishops who so recently participated in the quite contrary decision reached by the Fathers of Vatican II.

No one is insisting upon an official condemnation of the war or formal anathemas directed against those who take part in it. This would not, and should not, be the role of the bishop in this era of the emergent layman. Protest in the bishop's own name would be enough; less than that, however, is a scandal. When murder and torture become an everyday item in the newspapers and when they are done in fulfillment of a national policy or even only "excused" in the light of that policy, silence is worse than a scandal. It becomes a crime.

One can understand the hesitancy on the part of a bishop who finds it difficult to suggest to the men of his flock who have been called into service (and to the families they left behind!) that perhaps they should not be there, that they should certainly not be doing what they are doing there. We can also make allowance for the fact that our bishops, like the rest of us, are susceptible to considerations of national pride and patriotic attachment that make it difficult to take the true measure of our Nation's acts.

But to recognize these factors is not to justify the silence, any more than these same factors can be used to justify the support given by German bishops to Hitler's war effort. When whole villages, inhabitants and all, are covered with a blanket of napalm merely because there is a suspicion that they

may harbor the Vietcong, there can no longer be any comfortable shelter for the Christian under the principle of the double effect or any of the other loopholes we so conveniently read into the traditional "just war" morality. The weapons we are using in Vietnam and the targets we have chosen (not to mention those additional targets already being discussed as the next stage of escalation!), and all the other "irregularities" that occur with diabolical regularity—these have stripped off the disguises and nullified the qualifications so that murder stands revealed as murder.

It should not be left to a small, but happily growing, minority of Catholic priests and laymen to try to redeem the day for the Church in America in much the same manner as that even smaller handful of German Catholics who dared to resist the Nazi power. Our spiritual leaders have far less to justify their silence: no Gestapo is likely to be pounding on their doors or dragging their priests off to concentration camps. At least not yet.

There will be some to say that I have too much stress on the German parallels, and perhaps I have. In quantity and essential quality, the American atrocities in Vietnam fall far short of the crimes perpetrated by the Third Reich. But the parallels are there, and they are growing more insistent. Note, if you will, the developing "cult of the green beret" (with its equivalent of the Horst Wessel song and all!). I would suggest that there are great similarities here to the adulation lavished upon the S.S. and S.A. "elite" corps in their day, to say nothing of the similarity in the "special services" they performed.

The parallels should be recognized for what they are, and this recognition should force all of us to re-examine and re-evaluate the nation's policies and our inescapable share of the responsibility for those policies and their consequences. The blood of innocents is already upon our hands. The longer we tolerate these things in silence, the greater will be the blot upon our national honor and the burden of sin upon our individual souls.

PROMISE OF MEDICARE TARNISHED BY SEGREGATION AND BY SHORTAGES BORN OF ADMINISTRATION BUDGET SYNDROME

Mr. JAVITS. Mr. President, I yield myself 5 minutes on the bill and ask unanimous consent that I may proceed out of order.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, the remarks I wish to make this morning relate to the fact that the medicare program for the aged will take effect on Friday, July 1. I invite the attention of the Senate to the fact that we are not ready for it, that there is bound to be great difficuly because we are not ready for it and that the reason we are not ready for it must be laid heavily at the door of the administration.

Unfortunately, however, the shining promise of this program to provide medical care for our older citizens is beclouded. On the eve of beginning this new program we find that:

First. Two years after title VI of the Civil Rights Act of 1964 was enacted, a large number of hospitals in some States remain segregated meaning that they will not provide equal facilities for older citizens of all races under medicare; and

Second. The administration has shortsightedly failed to request adequate funds for ongoing, and authorized hospital training and health care programs to meet the acknowledged needs occasioned by medicare, population growth and the advancement of medical science. In addition, it has neglected to propose new programs to meet these easily anticipated needs.

In enacting medicare, the Congress and the Federal Government have, however, assumed a considerable responsibility. We have entered into a compact with 17 million of our citizens to provide effective insurance against crushing health care bills in their old age. We have exacted an individual premium for this protection and also we have directly taxed our working men and women, and our businesses under the social security system to pay for it. Beginning Friday, we must be ready to deliver.

In the year since the Social Security Amendments Act of 1965 became law, the Federal Government has been taking a long, hard look at the facilities which we have available for health care. The picture has not been reassuring. We find that we have an acute shortage of hospitals, of nursing homes and of doctors, nurses, technicians, and other health personnel. We also find that a large number of hospitals in some States remain segregated. While I applaud the efforts of many in the Federal Government to remedy these situations, I view with alarm and a sense of imminent crisis the inauguration of the new program.

Only last week, the White House announced that 80 percent of all hospitals in the country have been accredited for medicare and will be ready, at the end of the week to offer benefits and services to older citizens. This hopeful figure, however, is a national one, and obscures the core of the problem—the shocking shortage of accredited hospitals in Southern States. In Mississippi, for example, only 21.2 percent of all hospitals have complied with Federal regulations and are ready to serve all older citizens with equality on July 1. In Alabama 56.2 percent of the hospitals have qualified; in Georgia, 49.1 percent; Louisiana, 45.7 percent; and South Carolina, 50.5 percent. The reason certification has been withheld is the persistent, willful and illegal refusal of hospitals in these States to admit and treat patients without regard to race.

This is not a new or unexpected demand by the Federal Government. This is not a roadblock thrown up to hinder the implementation of medicare or to deny large numbers of older citizens the right to benefits. The impasse is the direct result of the violation of a law signed 2 years ago this weekend. For a full 24 months, despite the efforts of the Department of Health, Education and Welfare, certain hospitals have been stalling on implementing desegregation plans. Most of them were built with 80 percent Federal funds; many perform research under Federal grants, provide Federal assistance to their nursing students and receive Federal payments for their welfare patients. Yet they have persistently refused to admit and treat Negro patients, equally with whites. Now they expect continued and expanded Federal participation—through the medicare program—but refuse to conform to Federal law. Their spokesmen would conjure up the image of the Federal Government refusing to provide treatment to sick older people, when they are willing to offer that treatment—on their own terms. They refuse to acknowledge the plight of the sick and old Negro patient who is denied admission or offered second-class treatment. It is this picture—shamefully before our eyes for 100 years—which we sought to erase in 1964, but which persists. And it is this picture which should be in the minds of every American who seeks a just resolution of the dilemma.

We passed the medicare bill for all Americans—not just the ones whose skin color matches that of the hospital administrator. We taxed all Americans for this program and we did not provide lower rates for those forced to enter the hospital by the back door.

This is a difficult question, I grant you, and one which apparently presents a choice between a smooth start for medicare and a giant step toward equal equality. But I believe we do not have to choose between these two desirable goals. I believe that a strong stand for civil rights in hospital care at this time will greatly accelerate and make permanent the provision of good medical and hospital care to all our citizens. Conversely, if we back down now, if we are blackmailed into accepting vague promises of compliance with the law at some distant date, we will have retreated to a position far worse than that before 1964, for we will have conceded to the hard-core segregationists that even with a strong civil rights law on the books, the Federal Government will not keep its word.

On June 15 the President made a strong statement to 250 health leaders, expressing his determination to enforce title VI and to withhold certification from segregated hospitals. I commend that statement, and urge him to keep that pledge on Friday. This is an eyeball-to-eyeball situation with each side holding out until the last possible moment. Just as the hospitals are certain that the Federal regulations will be relaxed in the nick of time, the Federal Government is determined to obtain compliance. This is not the time for Washington to blink.

The statistics on the shortages of doctors, nurses, and other health personnel, both professional and nonprofessional, as well as the dearth of adequate modern hospital and nursing home facilities are well known and have been highly advertised over the years. It is perhaps the one subject that has been studied and restudied more than home rule for the District of Columbia. President Truman's Commission on the Health Needs of the Nation reported in 1952. In 1959, under President Eisenhower, the Surgeon General's consultant group on medical education issued its report on "Physicians for a Growing America" and President

Johnson has appointed a National Advisory Commission on Health Manpower.

DERELICTION OF ADMINISTRATION

But what has not been aired has been the dereliction of the administration in utilizing the tools it has to meet the medicare crisis and its disinclination to push for new, needed measures. This applies not only to the dearth of hospital facilities but also to the continued shortages of medical personnel and the necessity for continued research to make possible the conquest of disease and the improvement of medical techniques so that the health profession may serve more people more effectively.

Where the administration has failed to act, the Congress must now fulfill its responsibility. It is the responsibility of the Congress to see that adequate funds are provided for programs already authorized and to enact new programs where they are needed.

What are some of the facts on what can be done under present programs?

MEDICAL SCHOOL CONSTRUCTION FUNDS

First, let us consider the amendments to the Health Professions Education Assistance Act written into law last year. Indicative of the support for this program is the fact that this legislation passed the Senate unanimously last September. This new law authorizes $480 million for fiscal year 1967 through fiscal year 1969, inclusive, for the construction of medical, dental, and other health professions schools. This authorization averages out to $160 million annually. Such an amount was actually requested by the Public Health Service to the White House, but the administration, in submitting its budget to the Congress, cut this down to $135 million.

There are at present some $170 million in Federal health professions school construction fund requests now pending. This would result in between $600 to $700 million in total construction. In addition another $612 million in health professions school construction fund requests has been indicated to be forthcoming.

Obviously the appropriation request is insufficient. It is incumbent upon the Congress to fully fund this program.

MEDICAL SCHOOLS

Let us now look at another phase of the Federal program to upgrade and enlarge the Nation's medical schooling to meet well-advertised professional shortages. The Health Professions Education Assistance Act authorized $40 million for the next fiscal year for education improvement grants. A system of basic and special improvement grants is provided for schools of medicine, dentistry, osteopathy, and optometry. The Public Health Service requested of the White House the full $40 million authorized. But the administration asked for only $30 million, 75 percent of the authorization. This cut means that while the basic grants for all health professions schools eligible under the law will be fulfilled completely, no funding is available for the special improvement grants going to the schools with the greatest needs. The purpose of these special improvement grants is to "help to insure adequate preparation of all future physicians and dentists, thereby increasing the quality of medical care available to the people." Clearly the appropriation request is insufficient. It is incumbent upon the Congress to fully fund this program.

MEDICAL PERSONNEL

Not only has the administration refrained from requesting adequate funding for ongoing programs to meet the shortage of doctors, but it has neglected to ask the Congress to expand these programs to meet needs it knows full well exist.

We are currently short some 50,000 physicians. By 1970, we will have increased our output of medical school graduates by about 1,200 per year from 8,000 to 9,200. In addition, we are "importing" some 1,600 foreign medical school graduates each year, contributing to the medical talent drain abroad, especially in underdeveloped nations. This is somewhat ironic in the light of the administration's proposal for an international health program through which American medical talent would be used to help health manpower needs in developing nations.

However, even with this small increase in the number of medical graduates and our imports of doctors, the physician shortage in 1970 is estimated to be about 50,000, the same as it is today. In the face of this how can the administration in good conscience ask the Congress to appropriate less money than is authorized for medical education programs?

It is my intention, to seek to amend administration bills presently pending before the Subcommittee on Health of the Senate Committee on Labor and Public Welfare, so that these health professions needs can begin to be met. A young man entering medical school in 1966 will not emerge with his medical degree until 1970—and then he must undergo a period of internship and residency. With the advancement of science, we find there are some 30 different specialties for the physicians ranging from the general practitioner to the open heart surgeon. Increased medical knowledge will make further demands upon the profession.

The high cost of a medical or dental education—$20,000 for doctors and $15,000 for dentists—bars many talented young people of limited means from entering these fields. Yet little more than half of all medical students come from families with income of less than $10,000 annually. About one out of every four medical students must borrow to pay his tuition. There is $15.4 million authorized for medical student loans for fiscal year 1967; the administration asked $12.5 million which is less than the $15.4 million appropriated last year and still less than the $27.2 million requested by the schools. Are we to believe that needs are decreasing?

NURSES

Now about the shortage of nurses? As Surgeon General William H. Stewart once succinctly put it: "Our nurses are undermanned."

In this connection, the private sector has a responsibility to pay adequate salaries to nurses. Sufficient compensation is needed to attract new recruits to nursing, to retain those already in the profession and to help bring back the some 230,000 qualified nurses not presently practicing.

What has been the administration's reaction to the need to attract young women to our nursing schools? A student loan program of $16.8 million is authorized for the next fiscal year. The administration asked half that amount, $8.4 million. Fortunately, the House has approved the full authorization, rather than the budget figure.

HOSPITAL FACILITIES

What about the inadequacy of hospital facilities? The President, in his March 1 message to the Congress on health stated:

> General hospitals containing 260,000 beds—one-third of our nation's—are now in obsolete condition.

Little embellishment on that statement is needed here; the press has laid out some sordid facts to buttress this contention. Illustrative of this is the story which appeared in the New York Times of Monday, June 27, "Serious Troubles Plague City Hospitals as Medicare Approaches."

The administration, to its credit, did submit a $10 billion, 10-year hospital modernization program to the Congress. It has an outstanding flaw. In his desire to ease the impact of this program upon the budget, the President did not ask for any construction money for fiscal year 1967; only planning funds were requested. If we are to have the up-to-date hospital plant the Nation requires to meet medicare needs, this bill must be changed to permit construction to begin before June 30, 1967. I shall move to do this.

As for additional hospital beds, the outlook seems brighter. The next fiscal year there will be added some 29,000 new beds to the Nation's count—16,000 constructed under Hill-Burton and 13,000 outside the program. The same number is anticipated for fiscal year 1968. With a projected 66,083 new hospital beds needed by 1970, it would seem that this added construction is keeping pace. These estimates merit continued analysis so that if it is indicated that beds beyond these estimates are required, they can be supplied.

MEDICAL RESEARCH

As for what effect the administration's budget syndrome would have on medical research programs, one needs only to refer to the comments of the House Committee on Appropriations in its report on the Labor-HEW appropriation bill—House report No. 1464. A few excerpts will suffice:

The committee stated:

> Not only does the budget make no allowance for initiating or accelerating research in specific areas where there is both a clear national need and a reasonable promise of success, but a close examination reveals that in critical items for the grant-support of research it does not even make adequate provision for sustaining the mo-

mentum of already existing programs. The only significant increases in the budget are for activities which relate primarily to improving medical service rather than to stimulating medical research—and these increases are more than off-set by a drastic and crippling reduction in support for the construction of health research facilities.

Fortunately, the House has restored tens of millions of needed dollars for research in heart disease, cancer, tuberculosis and other afflictions. I sincerely hope that the Senate retains these restorations, for once the forward momentum is lost it will take years to regain. Actually, research progress is measured not in years but in human lives. How many uncounted Americans will literally owe their lives to the budget victory of the Congress over the administration on medical research?

SUMMARY

To sum up, the administration has shortsightedly failed to request adequate funds for current programs and it has neglected, too, to propose new programs to meet these needs.

Two solutions present themselves, solutions which I will move to effect and solutions which I deeply feel demand the support of the Congress and the public.

First. Ongoing programs must be fully funded where required. This includes medical education, hospital modernization and construction, and research programs.

Second. Where needed—and I have indicated some of these needs—these programs should be expanded. I intend to seek to amend pending bills to achieve this goal rather than to delay until the administration sends down its own programs. I not only intend to do this with respect to some of the areas I have outlined here, but am proceeding to do it in other areas of need—for example, my amendment to S. 3008 for mental retardation staffing, an urgent program need recognized by HEW but rejected by the Budget Bureau.

Should the increased expenditures necessary to safeguard the Nation's health—and the health of your family and my family and the families of constituents to whom we are responsible—require additional taxation, I shall support it. We cannot hide from curable illness behind the thickness of the national budget.

MANPOWER SERVICES ACT OF 1966

The Senate resumed the consideration of the bill (S. 2974) to amend the Wagner-Peyser Act so as to provide for more effective development and utilization of the Nation's manpower resources by expanding, modernizing, and improving operations under such act at both State and Federal levels, and for other purposes.

Mr. WILLIAMS of Delaware. Mr. President, I have an amendment to the pending bill. I understand that the manager of the bill is willing to agree to this amendment.

I ask unanimous consent that the pending amendment be temporarily laid aside, and that I may offer my amendment.

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

The amendment of the Senator from Delaware to the committee amendment will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 44, to strike out lines 13 and 14.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 5 minutes.

The purpose of this amendment is to strike out that portion of this section which would make an open-end authorization after the year 1968, and it would stop the program at the end of 3 years.

I understand the manager of the bill is willing to take the amendment. If so, I am willing to yield back the remainder of my time and ask for a vote on the amendment.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. CLARK. I was under the impression that the Senator from Delaware wished to strike out the open-end authorization from the entire bill, whereas he moved to strike out only that portion of the authorization which deals with subsection (C) of section 19.

I call the Senator's attention to the part of the bill which contains the major overall authorization, which is on page 40, in section 16. I suggest that perhaps he would like to amend the bill in both places.

Mr. WILLIAMS of Delaware. The Senator is correct. I thank him for calling that to my attention.

Mr. President, I modify my amendment beginning on line 17, page 40, after "1969," to strike out the following language on that line and lines 18 and 19, as well as the previous language I referred to.

Mr. CLARK. As well as eliminating the language on lines 13 and 14 on page 44?

Mr. WILLIAMS of Delaware. That is correct.

The ACTING PRESIDENT pro tempore. The amendment will be so modified.

Mr. CLARK. Mr. President, I yield myself 1 minute to say I have discussed the amendment with the Senator from Delaware. The net effect of the amendment is to make this a 3-year program, until the year 1969. That is, in effect, what it is anyway, because the Department of Labor would have to come before the committees for an appropriation for fiscal year 1970.

Mr. JAVITS. Mr. President, may we understand what the amendment does? We are proceeding rather rapidly here.

Mr. CLARK. Mr. President, will the Senator yield so the Senator from Delaware may reply?

Mr. JAVITS. Mr. President, may we have an explanation of the amendment?

Mr. WILLIAMS of Delaware. Mr. President, in reply to the question of the Senator from New York, the purpose of the amendment is to strike out the open end authorization after the year 1969.

Mr. JAVITS. What page does the Senator refer to?

Mr. WILLIAMS of Delaware. Page 40, line 17, after "June 30, 1969," insert a period, and strike out the remainder of the line and lines 18 and 19; and on page 44 strike out lines 13 and 14 and insert a period after "1968" on line 12.

Mr. JAVITS. I was going to ask the Senator, would it not be necessary, under those circumstances, to insert, on page 44, a provision for another year? Otherwise, there would be the inconsistency of having 2 years in one part of the bill and 3 years in another.

Mr. WILLIAMS of Delaware. That could be. If so, I would have no objection. If necessary, I would be willing to adopt an amendment to that effect. If it is found to be necessary, I would be willing to change "1968" to "1969."

Mr. CLARK. I suggest it provide $15 million for 1969 on page 44.

Mr. JAVITS. Mr. President, may I make a suggestion to the Senator from Delaware? Will he trust me to withhold his amendment as it affects page 44, as I have an agreement with the Senator from Vermont [Mr. PROUTY] on reducing that amount, as well? Then we can reduce it by whatever amount is necessary. Will the Senator have his amendment apply only to page 40 at this time?

Mr. CLARK. That is the major authorization.

Mr. WILLIAMS of Delaware. Yes; if the Senator wishes, I will withdraw the later part of the amendment as it relates to page 44 and have it apply to the open-end authorization on page 40.

The amendment to the other section can be called up later.

Mr. JAVITS. Perhaps I could save the Senator even that trouble by asking for separate votes on the two parts of the amendment, as they are separable. Then the Senator could have his vote on the first part and withhold the second until we could discuss the matter.

Mr. WILLIAMS of Delaware. All right.

Mr. CLARK. For the time being, why does the Senator not withhold the second part of his amendment?

Mr. WILLIAMS of Delaware. I think that would be best. I withdraw that part of the amendment dealing with language on page 44, and submit only, for the moment, that part of the amendment which deals with the open-end authorization on page 40.

Mr. CLARK. So the RECORD will be clear, will the Chair state precisely what the vote is on?

Mr. WILLIAMS of Delaware. I shall ask the clerk to state it, but what we are intending to do is, on page 40, line 17, after the date June 30, 1969, to insert a period and strike out the remainder of that line and lines 18 and 19. That would be the amendment.

The ACTING PRESIDENT pro tempore. Does the Senator wish the clerk to state the amendment as so modified?

Mr. WILLIAMS of Delaware. I ask that the amendment be stated.

The LEGISLATIVE CLERK. On page 40, line 17, strike the language commencing with the comma after the numeral "1969" down to and including the end of line 19, and insert a period.

The ACTING PRESIDENT pro tempore. Is all time yielded back on the amendment as modified?

Mr. WILLIAMS of Delaware. I yield back the remainder of my time.

Mr. CLARK. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Delaware, as modified.

The amendment of Mr. WILLIAMS of Delaware, as modified, was agreed to.

Mr. PROUTY. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. PROUTY. Is the next pending amendment my amendment No. 626?

The ACTING PRESIDENT pro tempore. The pending amendment is the amendment of the Senator from Vermont, No. 626.

Mr. PROUTY. I thank the Presiding Officer. I yield myself 5 minutes.

Mr. President, this amendment also modifies the judicial review provisions contained in section 18 of the reported bill.

Section 18 currently provides that the commencement of court proceedings by a State to obtain judicial review of a determination by the Secretary of Labor to withhold funds in whole or in part from a State agency will not operate to stay the Secretary's decision unless specifically ordered by the court.

This amendment will result in the Secretary's decision to withdraw or withhold funds from a State agency being automatically stayed pending the court's decision on review upon the timely filing of a request for judicial review by a State agency.

A State employment service agency could be decimated, in whole or in part, by the arbitrary withdrawal of Federal funds by the Secretary. This result would probably be the same even should the State eventually prevail in having the Secretary's determination set aside by an appropriate U.S. court of appeal.

Most State employment agencies have been in existence more than 30 years, and it is not equitable to place the burden upon a State pending a reviewing court's decision as to the appropriateness of a determination by the Secretary denying funds to a State.

In this context I do not believe that it is unreasonable to require the Secretary to continue funding a State agency's operations pending approval by a reviewing court of his actions in discontinuing such funds.

Mr. President, I shall ask for the yeas and nays on this amendment. I reserve the remainder of my time.

Mr. CLARK. Mr. President, I yield myself 3 minutes on the amendment, which I oppose.

To me, the present language on page 42, lines 9, 10 and 11, is entirely fair in accordance with normal judicial procedure, and should not be changed by striking out the words which the Senator from Vermont suggests. Let me read that language as it now exists in the bill:

> The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

If, as the Senator from Vermont wishes, we should strike out the words "not, unless so specifically ordered by the court," we would have a situation where the commencement of proceedings would operate as a stay of the Secretary's action. To me, that would merely result in bogging down the administration of the act and the powers of the Secretary. It would very definitely curtail the necessary authority given the Secretary, all through the bill, to take certain action, after notice and after hearing—which protects the rights of both the State employment offices and the general public. This is orderly judicial procedure.

We have gone even farther than that. We have given to the court the right to order a stay in a case where the court thinks a stay is desirable. To go further and require that the Secretary's action shall be stayed without regard to whether the court thinks it is just or not until an appeal is carried through the Federal courts, possibly to the Supreme Court of the United States, is not only unwise but unjust. Therefore, I hope the amendment will be rejected.

Mr. President, I ask for a vote on the amendment.

The ACTING PRESIDENT pro tempore. Is all time yielded back?

Mr. PROUTY. No, Mr. President, I do not yield back my time. I yield myself 2 minutes.

With respect to what my distinguished friend, the Senator from Pennsylvania, has just said, it seems to me grossly unfair and unreasonable to permit any Secretary of Labor to deny funds to any agency in any State until a court has ruled that the Secretary's position in the matter is justified. So I think the question of States' rights here is uppermost.

I believe we are giving the Secretary of Labor entirely too much power in this bill—though I intend to support it. But to say that the Secretary of Labor can put a State agency out of business if he wishes prior to a decision following review by a court of appeals, seems to me ridiculous on its face, and I do not believe the majority of the Senators wish that sort of thing to take place.

Mr. President, I see there are not enough Senators on the floor for a sufficient second to a request for a rollcall vote, so I suggest the absence of a quorum. I ask unanimous consent that the time for the quorum call not be charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. PROUTY. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, I am prepared to yield back the remainder of my time if the Senator from Vermont will do likewise.

Mr. JAVITS. Mr. President, I should like to ask the Senator from Vermont a question. As a lawyer, I am disquieted about this amendment. The Senator from Vermont knows me well enough to know that I am more than anxious to be persuaded of the incorrectness of any position I take.

It appears to me, from the argument that the Senator has made, that he does not feel a court would in a proper case—perhaps the Senator feels that there is no such case—actually order a stay itself, under the provision in the bill. Would the Senator tell me why he would not be willing to rely on the normal equity processes of the court?

Mr. PROUTY. That is not in my province. I am not a lawyer, in the first place, as the Senator well knows.

I am concerned about the authority given to the Secretary in this respect. We are dealing with a State agency administered by State officials. It seems to me that it would be wholly unreasonable of the Secretary of Labor to withhold funds from the State agency until a court has justified the position of the Secretary of Labor if it finds that necessary and desirable. To me it is as simple as that.

Mr. JAVITS. Mr. President, I thank my colleague.

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

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

The ACTING PRESIDENT pro tempore. All time having been yielded back, the question is on agreeing to the amendment offered by the Senator from Vermont. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. Mr. President, I announce that the Senator from Tennessee [Mr. BASS], the Senator from Indiana [Mr. BAYH], the Senator from Arizona [Mr. HAYDEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], and the Senator from Wyoming [Mr. MCGEE] are absent on official business.

I also announce that the Senator from New York [Mr. KENNEDY], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Maine [Mr. MUSKIE], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

On this vote, the Senator from Massachusetts [Mr. KENNEDY] is paired with the Senator from Florida [Mr. SMATHERS]. If present and voting, the Senator from Massachusetts would vote "nay" and the Senator from Florida would vote "yea."

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from New York [Mr. KENNEDY], and the Senator from Missouri [Mr. LONG] would each vote "nay."

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

The Senator from Wyoming [Mr. SIMPSON] is necessarily absent.

The Senator from New Jersey [Mr. CASE] is detained on official business.

On this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Wyoming [Mr. SIMPSON]. If present and voting, the Senator from New Jersey would vote "nay" and the Senator from Wyoming would vote "yea."

The result was announced—yeas 42, nays 45, as follows:

[No. 124 Leg.]

YEAS—42

Aiken	Fulbright	Pearson
Allott	Griffin	Prouty
Bennett	Hickenlooper	Robertson
Boggs	Hill	Russell, S.C.
Byrd, Va.	Holland	Russell, Ga.
Cooper	Hruska	Saltonstall
Cotton	Jordan, N.C.	Scott
Curtis	Jordan, Idaho	Smith
Dirksen	Lausche	Sparkman
Dominick	McClellan	Stennis
Eastland	Miller	Thurmond
Ellender	Morton	Tower
Ervin	Mundt	Williams, Del.
Fannin	Murphy	Young, N. Dak.

NAYS—45

Anderson	Hart	Morse
Bartlett	Hartke	Moss
Bible	Inouye	Nelson
Brewster	Jackson	Neuberger
Burdick	Javits	Pastore
Byrd, W. Va.	Kuchel	Pell
Cannon	Long, La.	Proxmire
Church	Magnuson	Randolph
Clark	Mansfield	Ribicoff
Dodd	McCarthy	Symington
Douglas	McGovern	Talmadge
Fong	Metcalf	Tydings
Gore	Mondale	Williams, N.J.
Gruening	Monroney	Yarborough
Harris	Montoya	Young, Ohio

NOT VOTING—13

Bass	Kennedy, Mass.	Muskie
Bayh	Kennedy, N.Y.	Simpson
Carlson	Long, Mo.	Smathers
Case	McGee	
Hayden	McIntyre	

So Mr. PROUTY's amendment was rejected.

Mr. CLARK. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. RANDOLPH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. CLARK. Mr. President, is it in order presently to move to reconsider the votes by which the first two amendments were rejected yesterday?

The ACTING PRESIDENT pro tempore. The Chair advises the Senator that it would take unanimous consent.

The committee amendment is open to further amendment. Who yields time?

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

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

On page 38, line 23, insert the word "nonpartisan" following the word "a".

Mr. MILLER. Mr. President, I yield myself 1 minute.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized for 1 minute.

Mr. MILLER. Mr. President, this particular section of the bill would provide for the establishment of a Manpower Services and Unemployment Insurance Advisory Council. It also states that there shall be freedom from political influence in the solution of the problems covered.

My amendment would make clear that this would be a nonpartisan council. I have discussed the amendment with the manager of the bill, the Senator from Pennsylvania [Mr. CLARK]. I understand that he has no objection to the amendment.

Mr. CLARK. Mr. President, I yield myself 1 minute.

I request that the Senator from Iowa [Mr. MILLER] repeat for me at what point on page 38 the insertion would be made.

Mr. MILLER. The insertion would be on page 38, line 23, following the word "a" so that it would read:

"SEC. 14. (a) The Secretary shall establish a nonpartisan manpower services and unemployment insurance advisory council"——

Mr. CLARK. I think it is implicit in the act without the amendment that is what is desired, but in order to indulge my good friend, the Senator from Iowa [Mr. MILLER], I am prepared to accept the amendment and take it to conference.

The ACTING PRESIDENT pro tempore. Is all time yielded back?

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

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

The ACTING PRESIDENT pro tempore. All time has been yielded back.

The question is on agreeing to the amendment offered by the Senator from Iowa [Mr. MILLER].

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The committee amendment is open to further amendment.

AMENDMENT NO. 625

Mr. PROUTY. Mr. President, I call up my amendment No. 625.

The ACTING PRESIDENT pro tempore. The amendment offered by the Senator from Vermont [Mr. PROUTY] will be stated.

The legislative clerk read as follows:

On page 32, strike everything from line 1 through line 13.

On page 32, line 14, change "(d)" to "(b)".

On page 33, line 7, change "(e)" to "(c)".

Mr. PROUTY. Mr. President, I ask for the yeas and nays of the amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is not a sufficient second.

Mr. CLARK. Mr. President, I again ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PROUTY. Mr. President, I yield myself 3 minutes.

Section 11(b) of the reported bill would require that each State establish and maintain a merit system of personnel administration under such standards as the Secretary of Labor may prescribe.

Section 11(c) of the reported bill provides that the Secretary shall require each State agency to develop a salary schedule adequate to attract and retain qualified personnel, giving due consideration to the rates paid in each State for similar work in both public and private employment.

The amendment would strike sections 11 (b) and (c) from the bill.

If the amendment is adopted, the result would be to leave the State employment service agency with the authority to determine their own merit system standards and their own salary schedules.

The remainder of the amendment merely renumbers the remaining paragraphs of section 11.

Mr. DOMINICK. Mr. President, may we have order? I cannot hear the Senator.

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. PROUTY. Mr. President, it seems to me that this is a right which must be reserved to the States. Certainly all of us favor higher salaries for State employees but if one particular agency can be required by the Secretary of Labor to establish higher salary levels than are being maintained in other State agencies, I think little vision is required to understand the morale problems which would be created.

It seems to me that this is a function that must be reserved exclusively to State agencies and the government employing these people.

The amendment is simple and it would provide, in effect, that the Secretary of Labor shall not determine what salaries are to be paid to State employees.

Mr. President, I reserve the balance of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. CLARK. Mr. President, I yield myself 3 minutes.

Speaking for a majority of the committee, we oppose the amendment. This is one of the most important provisions in the bill and is intended to raise the level of administration and the salaries within the 50 State employment services. It would not take away from the States their present authority to run their own show, but provides for standards set by the Secretary of Labor.

The provisions in the bill which the Senator from Vermont seeks to strike would require each State to establish a merit system of personnel administration—in other words, a civil service system remote from a political, partisan controlled, patronage system which plagues so many States, including my own of Pennsylvania. The Secretary would be given authority to set merit system standards but, under careful restriction, he may not deal with the selection, tenure of office, or promotion of any individual employed in accordance with these methods. These important matters of selection, tenure, and promotion, which are the heart of any merit system, would be left to the States to administer pursuant only to the over-all merit system standards laid down by the Secretary.

Mr. DOMINICK. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. Mr. President, I am happy to yield to the Senator from Colorado, and, Mr. President, yield myself

such time as may be necessary to respond to the Senator from Colorado.

Mr. DOMINICK. I wonder whether we could have a little order in the Chamber, Mr. President, because I believe this is one of the most important amendments the Senate has before it, and I am not sure how many Senators are really listening.

Do I correctly understand, I ask of the Senator from Pennsylvania, that as the bill is now written, the Secretary would be entitled to tell each of the 50 States that they have to put in——

Mr. CLARK. A merit system.

Mr. DOMINICK. A merit system of personnel administration?

Mr. CLARK. The Senator is correct. Let me say in reply to the Senator from Colorado that such a merit system is required in practically every program presently in existence which is paid for in part, or in whole, by the Federal Government. This program has, for years, been paid for, 100 cents on the dollar, by the Federal Government. For years a merit system has been required as a prerequisite for receiving Federal funds.

Mr. DOMINICK. This will require State legislation, will it not?

Mr. CLARK. It may require legislation in a few States—not too many—to create a merit system in accordance with the standards of the Secretary. Most States already have merit systems in effect which would meet most of the requirements and need only be amplified by executive order of the Governor.

Mr. DOMINICK. Will the Senator from Pennsylvania yield for one more question?

Mr. CLARK. Yes, indeed.

Mr. DOMINICK. Under what constitutional power can we give to an appointive agent of the Secretary of Labor the required power to make every State legislature act as he would demand?

Mr. CLARK. Well, let me say to my good friend the Senator from Colorado that I think every lawyer in this body knows there is no constitutional problem with this provision. This is merely extending provisions which have been in existence for years, in many cases for decades, in connection with Federal programs.

I am no longer an erudite constitutional lawyer who can cite cases which may or may not have been raised on this question, but I can assure my able friend the Senator from Colorado that there is absolutely no serious constitutional question involved here.

Mr. DOMINICK. Mr. President, will the Senator from Vermont yield me 2 minutes on the bill?

Mr. CLARK. Mr. President, if the Senator from Colorado would permit me to finish my argument, I will be glad to yield.

Mr. DOMINICK. Of course.

Mr. CLARK. Mr. President, to return to the reasons why this provision should not be stricken from the bill in good conscience. I have indicated the reasons why, under section (b) it would be most unwise to take away from the Secretary the authority to require the States to upgrade their personnel standards in such areas where they are not now in existence. The second subsection of the bill which the amendment would strike would authorize the Secretary to require that each State develop a salary schedule adequate to attract and retain qualified personnel for its State manpower service and job services center. Such a schedule—and this is very important—would give due consideration to the rates paid in such State for similar work in both public and private employment. In other words, the working out of a schedule is the responsibility of the State and not the Federal Government.

The only thing that this bill would do is to nudge behind the salutary and worth-while efforts not only of the Federal Government but also of those States which want to improve salaries in order to attract qualified personnel by paying salaries commensurate with the salaries paid for work of a similar nature in that State.

Mr. President, it is an open and notorious fact that in too many States, State employment service employees are so badly paid and have such unfortunate employment practices to live with, that it is utterly impossible to recruit the competent staff that are essential to carry on the important provisions of this bill.

Let me point out, in addition, that title III of the Social Security Act, which is the unemployment compensation law, requires a merit system provision. The Prouty amendment, therefore, would require a total separation of the employment service from the unemployment compensation office of the administration.

Let me point out further that under the unemployment compensation provisions, the merit system and the salary provisions are now in effect. In most States, the unemployment compensation office and the employment service office are in the same building and are under the same jurisdiction.

If the Prouty amendment were to be adopted, we would be creating a Berlin Wall between the State employment service merit system qualifications and salaries, those which apply to the fellow who works nearby, probably in the same building, in unemployment compensation.

Therefore, Mr. President, I hope very much that the amendment will be defeated.

I am prepared to yield back the remainder of my time, if my friend the Senator from Vermont is also willing to yield back his.

Mr. PROUTY. Mr. President, I yield 2 minutes to the distinguished Senator from Colorado.

Mr. DOMINICK. Mr. President, this debate is an example of why it is unfortunate that more Senators are not in the Chamber. The debate in which we are engaged involves a principle which goes way beyond the import that most Senators would consider in merely reading the amendment itself.

No matter how the Senator from Pennsylvania may argue, no matter how he may try to get around the point, the bill as it is now written makes every State legislature subject to the dictates of the Secretary of Labor so far as the establishment of a merit system is concerned. It makes every Governor subject to the dictates of the Secretary of Labor so far as the salaries that are to be paid to the people who are supposed to be State employment office personnel are concerned.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I am happy to yield.

Mr. ERVIN. I ask the Senator if subsections (b) and (c) of section 11 of the bill do not provide, in effect, that the Secretary may require the States to employ persons who meet the requirements of the Secretary of Labor, and that the States must establish, in effect, salary schedules prescribed by the Secretary.

Mr. DOMINICK. That is exactly what the bill provides and is exactly what we are trying to eliminate from it.

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

Mr. DOMINICK. I yield.

Mr. SALTONSTALL. As one who was a Governor during World War II, I can say that one of the great difficulties I experienced was with the very question raised by the amendment. If certain groups of civil servants in a State are subject to Federal oversight, it affects every civil service employee in the State government.

The ACTING PRESIDENT pro tempore. The time yielded to the Senator from Colorado has expired.

Mr. PROUTY. Mr. President, I should like to read from the hearings a statement by Mr. K. Brantley Watson, who is a member of the Maryland State Salary Advisory Board. His statement appears on page 378 of the hearings.

> We, too, are interested in upgrading our State employees and paying salaries that will attract competent people, but we recognize that several different types of activities, both public and private, are competing for the same kind of personnel.

Mr. Watson further stated:

> I only suggest there is a hazard if we pick out one State agency and say it is more important that people be paid at a certain level in this agency than in other equally deserving agencies—such as social service agencies seeking similar personnel—we create a problem internally that would affect morale most disadvantageously.

I think that that is so true. I, too, am sorry that more Senators are not in the Chamber, because I believe this is a subject of vitally important consideration.

Mr. President, I reserve the remainder of my time, but I ask unanimous consent that there be a call for a quorum, the time for the quorum call to be charged to neither side.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CLARK. Mr. President, I am sorry I did not hear the request of the Senator from Vermont.

Mr. PROUTY. I should like to have a quorum call, so that I may explain my amendment when more Senators are in the Chamber.

Mr. CLARK. Mr. President, I ask unanimous consent that there be a quorum call, the time for the quorum call to be charged to neither side.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names.

[No. 125 Leg.]

Aiken	Griffin	Moss
Allott	Gruening	Mundt
Anderson	Harris	Murphy
Bartlett	Hart	Nelson
Bayh	Hartke	Pastore
Bennett	Hickenlooper	Pearson
Bible	Hill	Pell
Boggs	Holland	Prouty
Brewster	Hruska	Proxmire
Burdick	Inouye	Randolph
Byrd, Va.	Jackson	Ribicoff
Byrd, W. Va.	Jordan, N.C.	Robertson
Cannon	Jordan, Idaho	Russell, S.C.
Case	Kennedy, Mass.	Russell, Ga.
Church	Kennedy, N.Y.	Saltonstall
Clark	Kuchel	Scott
Cooper	Lausche	Smith
Cotton	Long, La.	Sparkman
Curtis	Magnuson	Stennis
Dirksen	Mansfield	Symington
Dodd	McCarthy	Talmadge
Dominick	McClellan	Thurmond
Douglas	McGovern	Tower
Eastland	Metcalf	Tydings
Ellender	Miller	Williams, N.J.
Ervin	Mondale	Williams, Del.
Fannin	Monroney	Yarborough
Fong	Montoya	Young, N. Dak.
Fulbright	Morse	Young, Ohio
Gore	Morton	

The ACTING PRESIDENT pro tempore. A quorum is present.

Who yields time?

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. KUCHEL. What is the pending business?

The ACTING PRESIDENT pro tempore. Amendment No. 625, offered by the Senator from Vermont [Mr. PROUTY], is the pending business.

Mr. PROUTY. Mr. President, this is a very simple issue, but one of vital importance if we are to preserve our Federal-State system.

I quote from page 32 of the bill the language my amendment would strike out:

> The Secretary shall require that each State establish and maintain for personnel employed in its State manpower service and job services centers a merit system of personnel administration under such standards as the Secretary prescribes,

Then it continues:

> The Secretary shall require that each State develop a salary schedule adequate to attract and retain qualified personnel for its State manpower service and job services centers.

I have no objection whatsoever to each State being required to establish and maintain a merit system, nor do I object to the States being required to develop salary schedules which are adequate, in their judgment, to fulfill the purposes of this act. But I am violently opposed to giving this power to the Secretary of Labor, an appointed official who has, in my judgment, no right to intervene in a matter which is purely a State function.

The issue is very simple, but how we decide this question is of major importance, as I suggested earlier, if we are to maintain the present state of Federal-State relationships.

I yield to the distinguished Senator from Colorado.

Mr. DOMINICK. I congratulate the distinguished Senator from Vermont for bringing to the attention of the Senate this important point.

I ask my fellow Senators, Do you wish to give power to the Secretary of Labor over each of the State legislatures in each of the 50 States? Do you wish to give power to the Secretary of Labor over the salary schedules of people who will be working for and employed in the States?

I do not believe we want to do that. The issue is very simple. We can avoid that result by agreeing to the amendment.

Mr. PROUTY. Mr. President, how much time have I remaining?

The ACTING PRESIDENT pro tempore. The Senator from Vermont has 6 minutes remaining.

Mr. PROUTY. Mr. President, I yield myself 3 minutes, and I ask for the attention of the Senator from Pennsylvania.

In the event my amendment No. 625 is approved, I shall offer another one, which will, I think, take care of some of the concern which the Senator from Pennsylvania has expressed. The amendment will read as follows:

> On page 32, insert the following:
> "(b) Each State shall establish and maintain for personnel employed in its State manpower service and job services centers a merit system of personnel administration.
> "(c) Each State shall develop a salary schedule which in its judgment is adequate to attract and retain qualified personnel for its State manpower service and job services centers."

It seems to me that would take care of the problem. It would leave the power and the responsibility where it should be, in the hands of the State and its agents.

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

Mr. PROUTY. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Do I understand the Senator to mean he is not striking out the entire old section, but inserting this amendment in place of it?

Mr. PROUTY. My amendment No. 625 would strike out that portion of the bill. If I prevail in that, then I shall offer the amendment I have just read.

Mr. SALTONSTALL. I ask the Senator, would it not be helpful, from a voting standpoint, to offer this latter amendment as a substitute for the language in the bill, rather than have two votes?

I am in hearty sympathy with what the Senator is trying to do. However, as I told the Senator from Colorado, the question of Federal-State relations was one of the most difficult subjects during World War II.

Mr. PROUTY. Mr. President, I modify my amendment.

The ACTING PRESIDENT pro tempore. The Chair advises the Senator that a modification of his amendment would require a unanimous-consent agreement inasmuch as the yeas and nays have been ordered.

Mr. CLARK. Mr. President, I suggest that the Senator from Vermont bring the matter up later and that we vote on the amendment as it is.

Mr. KUCHEL. Mr. President, I ask my able friend what he seeks to do with reference to modifying the pending amendment.

Mr. PROUTY. My modification would seek to require the States to have their merit systems and establish their own salaries.

Mr. CLARK. Mr. President, if the Prouty amendment is defeated, which I hope it will be, I shall then be prepared to accept the next amendment which the Senator is to offer. However, I should like this amendment to remain the way it is.

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

Mr. CLARK. Mr. President, I yield myself 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. CLARK. Mr. President, I hope that the Prouty amendment will be defeated. I think it is important to improve salaries and this will be hindered by the Prouty amendment.

I point out for the benefit of some Senators who may be in doubt that the provision in the bill would be favored by an overwhelming majority of the 50 State employment services.

This is not a situation in which the State employment services by and large support the amendment.

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

The ACTING PRESIDENT pro tempore. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Vermont. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from Wyoming [Mr. MCGEE], and the Senator from Oregon [Mrs. NEUBERGER] are absent on official business.

I also announce that the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Maine [Mr. MUSKIE], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

On this vote, the Senator from Missouri [Mr. LONG] is paired with the Senator from Florida [Mr. SMATHERS]. If present and voting, the Senator from Florida would vote "aye," and the Senator from Missouri would vote "nay."

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

The Senator from Wyoming [Mr. SIMPSON] is necessarily absent.

The Senator from New York [Mr. JAVITS] is detained on official business.

On this vote, the Senator from Wyoming [Mr. SIMPSON] is paired with the Senator from New York [Mr. JAVITS]. If present and voting, the Senator from

Wyoming would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 47, nays 42, as follows:

[No. 126 Leg.]

YEAS—47

Aiken	Fannin	Pearson
Allott	Fulbright	Prouty
Bennett	Griffin	Robertson
Bible	Hickenlooper	Russell, S.C.
Boggs	Hill	Russell, Ga.
Byrd, Va.	Holland	Saltonstall
Cannon	Hruska	Scott
Cooper	Jordan, N.C.	Smith
Cotton	Jordan, Idaho	Sparkman
Curtis	Kuchel	Stennis
Dirksen	Lausche	Talmadge
Dodd	McClellan	Thurmond
Dominick	Miller	Tower
Eastland	Morton	Williams, Del.
Ellender	Mundt	Young, N. Dak.
Ervin	Murphy	

NAYS—42

Anderson	Hart	Montoya
Bartlett	Hartke	Morse
Bayh	Inouye	Moss
Brewster	Jackson	Nelson
Burdick	Kennedy, Mass.	Pastore
Byrd, W. Va.	Kennedy, N.Y.	Pell
Case	Long, La.	Proxmire
Church	Magnuson	Randolph
Clark	Mansfield	Ribicoff
Douglas	McCarthy	Symington
Fong	McGovern	Tydings
Gore	Metcalf	Williams, N.J.
Gruening	Mondale	Yarborough
Harris	Monroney	Young, Ohio

NOT VOTING—11

Bass	Long, Mo.	Neuberger
Carlson	McGee	Simpson
Hayden	McIntyre	Smathers
Javits	Muskie	

So Mr. PROUTY's amendment was agreed to.

Mr. PROUTY. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

Mr. PROUTY. Mr. President, I send to the desk another amendment, and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment offered by the Senator from Vermont will be stated.

The legislative clerk read the amendment, as follows:

On page 32, insert the following:

"Strike lines 1 through 13 and insert in lieu thereof the following:

"'(b) Each State shall establish and maintain for personnel employed in its State Manpower Service and job service centers a merit system of personnel administration.

"'(c) Each State shall develop a salary schedule which in its judgment is adequate to attract and retain qualified personnel for its State Manpower Service and job services center',".

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. PROUTY. Mr. President, I ask that my amendment be stated again.

The ACTING PRESIDENT pro tempore. The amendment will be stated again.

The legislative clerk read as follows:

On page 31, after line 25, insert:

"(b) Each State shall establish and maintain for personnel employed in its State Manpower Service and job service centers a merit system of personnel administration.

"(c) Each State shall develop a salary schedule which in its judgment is adequate to attract and retain qualified personnel for its State Manpower Service and job services center,".

Mr. PROUTY. Mr. President, I yield myself 2 minutes.

The amendment simply provides that the States rather than the Secretary of Labor will establish their own merit system and salary levels. That is all there is to it.

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

Mr. PROUTY. I yield.

Mr. CURTIS. Is it the opinion of the Senator from Vermont [Mr. PROUTY] that the amendment is necessary? Without the amendment would not the States have that right?

Mr. PROUTY. I think that is true, but the amendment adds something to it. I think that the States should have that.

Mr. CURTIS. It is the intention of the amendment to clearly fix it as the State's responsibility and not the Federal responsibility?

Mr. PROUTY. The Senator is correct. The States would have sole responsibility in this regard.

Mr. CLARK. Mr. President, I yield myself 1 minute.

Because of what to me is the unfortunate result of the last vote, the very unfortunate result, the present amendment of the Senator from Vermont at least pays lipservice to decent salaries and merit systems. I think this is a pious expression on the part of the Senate, but I will nonetheless endorse it and will accept the amendment of the Senator from Vermont [Mr. PROUTY].

The ACTING PRESIDENT pro tempore. Do the Senators yield back the remainder of their time?

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

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

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Vermont [Mr. PROUTY].

The amendment was agreed to.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The committee amendment is open to further amendment. Who yields time?

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 36, beginning on line 5, strike out the words "shall to the maximum extent practicable", and insert in lieu thereof "in municipalities of more than 50,000 population shall to the maximum extent practicable within the administrative discretion of the State manpower services agency".

Mr. PROUTY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. PROUTY. Section 12(a)(4) of the reported bill provides that employment services offices and the unemployment compensation offices shall be separated to the maximum extent possible.

I realize the policy considerations behind this provision and understand that the Secretary of Labor has already instituted separate administration of these 2 programs in cities of 50,000 or more under existing law.

The amendment does not change the policy of the Secretary of Labor in municipalities of 50,000 or more.

In small States such as mine, I believe that writing this provision into law unnecessarily restricts a State employment services agency in exercising its administrative discretion as to the wisdom of separate offices for employment services and unemployment compensation purposes.

It is clear that the unemployment compensation and jobseeking functions are irrefutably and directly related. There are those in State agencies who believe that there is no necessity for such a provision as is in the reported bill unless it is sought to so separate the two programs that the unemployment compensation trust fund system will not stand in the way of the complete federalization of the present State-Federal employment service system.

My amendment leaves the present provision in the bill but gives the States authority to make the final determination as to the amount of separateness of the two programs.

This is an amendment which I think has appeal particularly for the smaller States because it is not always wise and not necessary to separate these offices in a small community when one office can serve the same purpose. They could have two offices in the same building under the amendment.

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

Mr. PROUTY. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Do I understand the purpose of the Senator from Vermont to be that in cities where the population is more than 50,000 they shall have their own civil service system, subject to the ultimate control of the State? Is that the purpose?

Mr. PROUTY. No. The Secretary will have authority, as he now does, in cities of 50,000 or more, to require that there be separate offices. I do not seek to take that authority from the Secretary. But in communities of less than 50,000 the States will have the right to determine whether or not they shall have one or two offices.

Mr. CLARK. Mr. President, will the Senator now yield to me?

Mr. PROUTY. I am happy to yield to the Senator from Pennsylvania.

Mr. CLARK. I would like to be sure that we understand each other because, if possible, I would like to accept the amendment. There is only one copy of the amendment in the Chamber. I hold it in my hand. I want to be certain that we agree on the text because there is a pencil insertion which has been made, but I am not sure of what it is.

Am I correct that the Senator proposes on page 36, beginning on line 5, to strike out the words "shall to the maximum extent practicable", and having done that, would insert in lieu thereof, on the same line 5, "in municipalities of more than 50,000 population shall to the maximum extent practicable within the administrative discretion of the State manpower services agency" be separate from the offices administering any unemployment compensation law within such State?

Mr. PROUTY. The Senator is correct.

Mr. CLARK. I thank the Senator.

I wish to ask the Senator from Vermont whether the impact of the amendment is to leave the situation in cities of more than 50,000 population exactly where it was, under the bill as it came to the floor, so that in every city of more than 50,000 population, the plan shall provide that the job services centers, established and operated pursuant thereto shall to the maximum extent practicable be separate from the offices administering any unemployment compensation law within such State.

Mr. PROUTY. The Senator is correct.

Mr. CLARK. So that we now go to the cities of 50,000 or less, and there, as I understand it, the problem of whether the State unemployment compensation office should be separated from the State employment office is left entirely to the State service without any authority being given to the Secretary of Labor, either to encourage or discourage separation.

Mr. PROUTY. The Senator is correct.

Mr. CLARK. Now, may I ask the Senator from Vermont [Mr. PROUTY] whether he would agree, as a matter of legislative history, despite his amendment, which I would like to take to conference, that there is no reason why the Secretary of Labor, acting informally, and within the course of his normal duties, should not encourage the separation of these offices in the smaller cities where he thinks it is desirable, even though he has no authority under the act to do more than that.

Mr. PROUTY. As long as he does not have the power or authority to require it, I would expect the Secretary would make recommendations of this nature.

Mr. CLARK. On the basis of the colloquy just engaged in, which I hope will be read by the 50 State employment services as part of the legislative history of this bill, I hope they will welcome the Secretary of Labor and his representatives for friendly conferences on this matter, during the course of which the Secretary of Labor can point out the reasons why he thinks it desirable in a community for the State to separate the offices.

Mr. PROUTY. I hope very much that the views of the Secretary of Labor will be given serious consideration by the State authorities.

Mr. CLARK. I thank my friend. Under those circumstances, I am prepared to accept the amendment.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield back the remainder of his time?

Mr. CLARK. I do.

The PRESIDING OFFICER. Does the Senator from Vermont yield back the remainder of his time?

Mr. PROUTY. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. Who yields time?

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

Mr. JAVITS. Mr. President, I ask unanimous consent that the call for the quorum which has just been suggested be conducted without charging the time to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The legislative clerk read the amendment, as follows:

On page 44, line 10, strike out "$10,000,000" and insert in lieu thereof "$5,000,000".

On page 44, line 12, strike out "$15,000,000" and insert in lieu thereof "$10,000,000".

On page 44, strike out all of lines 13 and 14 and insert in lieu thereof the following: "and not in excess of $10,000,000 for the fiscal year ending June 30, 1969."

The PRESIDING OFFICER. Does the Senator from Vermont desire these amendments to be considered en bloc?

Mr. PROUTY. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. How much times does the Senator from Vermont yield himself?

Mr. PROUTY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. PROUTY. Mr. President, this amendment is offered on behalf of myself and the Senator from Delaware [Mr. WILLIAMS]. It seeks to modify the section of this bill which relates to relocation payments to increase mobility of the unemployed.

This new section of Manpower Development and Training Act is an extension of the pilot projects section which was added to the law last year. The amendment last year authorized $5 million to provide grants or loans to be made available only to involuntarily unemployed individuals to permit them to move to a location where employment for which they are qualified would be more readily available.

It is my understanding from the Department of Labor that the entire amount of that $5 million authorization was appropriated, and the Department informs me that it will have obligated a total of $4,850,000 by July 1st. It is also my understanding that the House has appropriated $5 million for fiscal 1967, but that the Senate has not yet marked up that bill.

The language of the bill before the Senate now, extends this program beyond the limited geographical areas of last year's pilot projects program. I think that is good and wise, because assistance to the unemployed should be universal of application throughout our country.

The pending bill authorizes $10 million for fiscal 1967, and $15 million for fiscal 1968.

With the continuation of the pilot projects program carrying a $5 million authorization, we are actually authorizing a total of $15 million for fiscal 1967 and $15 million for fiscal 1968. Since the Department of Labor has advised me that it will not use the total amount appropriated for the current fiscal year, it seems to me unwise to triple the amount authorized for fiscal 1967.

In this bill, however, we have broadened the application of this program beyond the geographically limited areas of the pilot project. We therefore, must take into consideration the added cost resulting from that. On the other hand, since the program is still admittedly experimental, we should proceed with a certain caution.

My amendment, therefore, authorizes to be appropriated for this relocation assistance a total of $5 million for fiscal 1967 and $10 million each for fiscal years 1968 and 1969. Adding to this the presently authorized $5 million for fiscal 1967 under the pilot project program enacted last year my amendment would then provide $10 million for each of the fiscal years 1967, 1968, and 1969. This contrasts with the total of $15 million for each of these 2 fiscal years under the present language of the bill.

Mr. JAVITS. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I am happy to yield to the Senator from New York.

Mr. JAVITS. Mr. President, first, let me express to the Senator my pleasure in collaborating with him on this matter, and to explain to Senators on the Republican side of the aisle that in addition to the fair number of amendments which the Senator from Vermont has offered on the floor, a large number of amendments offered by the minority were already incorporated in the bill as reported to the Senate. My supplemental views, set forth in the committee report, cataloged a whole list of amendments which the minority succeeded in adding to the bill in committee. The amendments of the Senator from Vermont, the Senator from California [Mr. MURPHY],

the Senator from Arizona [Mr. FANNIN], the Senator from Colorado [Mr. DOMINICK], and myself, or combinations of us, have had a major impact on the bill. I ask unanimous consent that my supplemental views be printed in the RECORD at this point in my remarks.

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

During the extensive committee consideration of this bill, which marks an important updating of the basic charter of the Employment Service, the minority members of the committee made substantial contributions to improvement of the measure.

One of the most important controversies over the bill concerned the definition of the "recruitment" function granted to the manpower services system in section 4(a)(1). There was strong opposition from private employment agencies to the practice which this authority, it was claimed would encourage, on the ground that this is a traditional function of private employment agencies. The minority took up this issue vigorously, and a provision defining "recruitment," which I regard as a constructive compromise, emerged. Other minority amendments which were adopted include the following:

(1) A requirement, in section 9(b), that all federally assisted manpower training programs be coordinated around the national manpower services system. This provision is designed to remedy a basic deficiency in the war on poverty, the fragmentation and duplication of recruitment, counseling and reference of individuals under such training programs as the Manpower Development and Training Act, the Job Corps, the Neighborhood Youth Corps, work training and work experience programs, and various vocational education programs. In far too few communities a local agency, such as a community action agency funded under the Economic Opportunity Act, has undertaken to link these programs together and, with the assistance of the Employment Service, to track individuals through various levels of basic education and job training to placement in a job. The amendment is designed to encourage such local efforts and to require that, where the local agencies fail to do so, the manpower services system undertake this vitally needed coordination function by physically drawing together representatives of all such training programs (in the same building as the job services center, if possible) and by requiring the coordination of Federal agency information about employment opportunities in the job services center.

(2) Amendment, in section 19, of the Manpower Development and Training Act to create a permanent relocation assistance program to increase the mobility of unemployed individuals. The program authorizes loans to those who are involuntarily unemployed and cannot otherwise defray the expense of moving from a place where employment is not available to them, to a place where it is available. The program is based upon a pilot program authorized under the Manpower Amendments of 1965 and emphasizes the provision of counseling and other supportive services which the pilot study indicates is also important in helping individuals and their families to relocate.

(3) Provision, in sections 12 and 18, for 30 days' notice, opportunity for a hearing and judicial review, when the Secretary of Labor determines, under section 12(c), to withhold funds under this act from a State for failure to comply substantially with any part of its State plan.

(4) Requirement of 30 days' notice and opportunity for a hearing prior to a determination by the Secretary under section 13(c) to contract out functions of job services centers to private employment agencies or other public or private agencies.

(5) A requirement, in section 7(b), that in establishing the automatic data processing systems which the bill calls for, the Secretary shall, to the maximum extent feasible, make use of appropriate information and equipment already available to the Bureau of Labor Statistics and other bureaus and agencies.

(6) Inclusion, on a reimbursable basis, of employees of private employment agencies in training programs for manpower services and job services center personnel under section 11.

(7) Inclusion of experts from the private sector in the Federal and State advisory councils established under section 14.

(8) Provision for mobile manpower services units in the identification of and reaching out to disadvantaged persons or groups.

(9) Definition of the recruitment function of the manpower services system so that recruitment to fill job openings shall be for the principal purpose of providing jobs for the unemployed or underemployed, or providing manpower for national security needs, rather than the transfer generally of employed persons from one job to another.

In addition the minority was responsible for the insertion of the following legislative history in the majority report:

(1) Emphasizing that the principal emphasis of the manpower services system shall be upon disadvantaged or unemployed individuals.

(2) Clarifying that section 11(e)(2), relating to noncompetitive appointment of State agency personnel to the Labor Department, shall be administered in accordance with veterans' preference.

(3) Insuring that, in the administration of section 7, requiring coordination of information about manpower development and utilization, the Secretary will work with the Equal Employment Opportunity Commission so that information developed by the Commission concerning manpower and employment opportunities is made available to the relevant job services centers.

(4) Clarifying that section 11(b), which defines the authority of the Secretary over standards for personnel of State manpower service and job services centers, in no way derogates from the authority of the Secretary under title VI of the Civil Rights Act of 1964 to withhold Federal funds from any State or local activity which discriminates on account of race, creed, or color.

Mr. JAVITS. The success which the Senator from Vermont has had with a number of his amendments on the floor has further made an impression on the bill on behalf of the minority's views. I think this is salutary, although I may not have agreed with some of the amendments, which is irrelevant to the point.

The pending amendment relates to a provision in which we made a creative improvement. We took a pilot program for relocation of the really needy unemployed, who could not get a job where they were, and experimented a little bit, and did not wait for the end of the experiment, by which time quite a few of the "patients" might have been "dead," but built upon the experience and tried to project the program effectively for a reasonable future.

I have no pride of authorship about the amounts involved. I am prepared to coincide with the views of the Senator on the reductions, which still leave, in my judgment, an effective extension of a program which can be helpful and which has made a real contribution by being included in this bill. The amendment also meets the views of the Senator from Delaware [Mr. WILLIAMS] in deleting the open end authorization and limiting the program to the period of fiscal years 1967, 1968, and 1969. The amendment is acceptable to me, and I hope very much that the Senator in charge of the bill will accept it, and the Senate as a whole.

Mr. CLARK. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. CLARK. Mr. President, this reduction in authorization does not seem too serious, I think the Department of Labor can live with it. Since it will give great satisfaction to my friendly colleagues who are always in favor of economy in Government, and since it will not do the program real harm, I should like to indulge my colleagues on both sides of the aisle who know the value of a dollar, and shall accept the amendment.

Mr. COOPER. Will the Senator yield?

Mr. CLARK. I yield 2 minutes to the Senator from Kentucky.

Mr. COOPER. I note that the manager of the bill, the distinguished Senator from Pennsylvania [Mr. CLARK] has accepted the Prouty-Williams amendment. I know that Senator JAVITS worked to include this section 19 in the bill in the committee, and I am glad that the Senate will vote this provision for demonstration projects, with loans to individuals who want to relocate in jobs in areas away from their own distressed communities.

I believe that this amendment to the existing provisions of the Manpower Development and Training Act can be helpful to many individuals who want to work, and who cannot secure any employment because of the economic conditions in their own communities. In 1959–60, when I served as a member of the Labor and Public Welfare Committee, and was also appointed to the Special Senate Committee on Unemployment, I offered a similar proposal at the conclusion by the study made by the Special Senate Committee.

For this reason, I was glad that a Manpower Development and Training Act amendment of last year resulted in a pilot project getting underway, which Secretary Wirtz reported to the committee had already helped to relocate some 1,200 unemployed workers and their families in its first few months of operation in 1965. This amendment before the Senate today would allow for other unemployed individuals, with bona fide offers of employment away from their present homes, to receive loans for both relocation and reestablishment in new jobs and new communities, and I think it can offer encouragement in different parts of my own State of Kentucky and in other areas across the country.

I thank the Senator.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield back the remainder of his time?

Mr. CLARK. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Vermont yield back the remainder of his time?

Mr. PROUTY. Mr. President, first I want to express my appreciation to both the distinguished senior Senator from New York [Mr. JAVITS] and the distinguished senior Senator from Pennsylvania [Mr. CLARK]. I am very grateful.

The PRESIDING OFFICER. All time on the amendments having been yielded back, the question arises on agreeing to the amendments of the Senator from Vermont [Mr. PROUTY] to the committee amendment.

The amendments were agreed to.

The PRESIDING OFFICER. The committee amendment is open to further amendment.

Mr. CLARK. Mr. President, I hope very much, because of a very important engagement at the White House by a number of Members of the Senate, Senators will not feel the public interest requires them to present any more controversial amendments and that we may get to the third reading of the bill.

The PRESIDING OFFICER. The committee amendment is open to further amendment. If there be no further amendment——

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

The PRESIDING OFFICER. The amendment offered by the Senator from Iowa will be stated.

The LEGISLATIVE CLERK. It is proposed on page 22, line 8, to insert the following after the word "needs": "and shall not be conducted in such a way as to substantially compete with private employment agencies or with partiality between or among employers."

The PRESIDING OFFICER. How much time does the Senator from Iowa yield himself?

Mr. MILLER. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. MILLER. Mr. President, my purpose in offering the amendment is that there have been complaints of and concern has been expressed on the part of private employment agencies of unfair Government competition which could arise—it has arisen in the past, incidentally—under the bill as we have it before us.

On page 22 of the bill, it is stated that:

> Such services shall include but not be limited to—(1) the furnishing of placement services, including recruitment . . . .

Then there is a proviso that such recruitment to fill jobs shall be for the principal purpose of providing jobs for the unemployed or underemployed.

To the degree that the recruitment of unemployed shall exist, the purpose of the amendment is that there shall not be substantial competition with private employment agencies.

I know the committee was concerned about this point. The language of the report indicates this concern, as expressed near the bottom of page 4 of the report, which I read:

> However, the committee would not condone recruitment activities whose primary purpose was to facilitate pirating of employees without substantial benefit. In addition, the committee wishes to note that certain current advertising practices were open to question. In the future, the manpower services system should refrain from advertising, or participating in advertising, which links the name of the manpower services system with the name of a specific employer or employers.

So far so good, but there is much more to advertising than linking the name of the United States or State employment services with specific employers.

All my amendment is designed to do is to make sure that in the operation of the program there shall not be substantial competition with private employment agencies.

There is another part to the amendment, and that is that in carrying on these employment services there shall not be partiality as between employers.

I am convinced that the committee intends that no partiality shall exist by the Federal or State employment services as to employers, but that they shall be treated fairly and impartially. However, the language of the bill does not specifically state it.

With respect to the first part of my amendment, which relates to competition with private employment agencies, I find it difficult to believe there should be any intention of competition with private employment agencies, which pay taxes to support the Federal Government in its operations, and to have their business substantially interfered with. On the other hand, I do not see that too much should be done if there is an overlapping which is in the nature of the operation. That is the reason for placing the word "substantially" in the language of the amendment.

I should like to ask the manager of the bill, the distinguished Senator from Pennsylvania, to what extent the committee went into this question and whether there was any provision to safeguard against it.

The PRESIDING OFFICER. The 5 minutes which the Senator from Iowa yielded himself have expired.

Mr. MILLER. I yield to the Senator from Pennsylvania such time as he may require to answer my question.

Mr. CLARK. Mr. President, may I say to my friend from Iowa that this subject was exhaustively discussed in the committee.

It was made very clear on both sides of the table, Republican and Democratic alike, that there was not the slightest intention of having State employment services or the Secretary of Labor and his agents compete with private employment agencies in areas where private employment agencies were doing a good job.

So far as competition is concerned, there is a statement in the report, beginning at the bottom of page 42, on this point. I read from the report:

> The legislation is designed to foster the development of more progressive relationships and better coordination between all organizations providing manpower services so vitally needed by this Nation. It is not intended to diminish the role or the important work which is done and will of necessity continue to be done by these organizations. Of special note is the relationship between the manpower services system and private employment agencies. For too long there has been friction between these groups which has not benefited the Nation's manpower. During the course of action on this legislation and with the encouragement of the subcommittee, representatives of private employment agencies and the Department of Labor have been meeting to develop an understanding on problems of mutual interest. It is our hope that such discussions will continue and that future efforts will minimize the friction between the Federal-State service and the private agencies. The unmet manpower needs of the Nation upon which the manpower services system can focus are so large that public resources and energies should not be diverted to duplicate services or to meet needs now being adequately met.

There is no intention in the proposed act to foster competition between the Federal-State and private employment agencies. However, in State after State there are wide areas where there are no private employment agencies capable of providing service in this field.

With respect to partiality as between employers, there is an expression in the report banning pirating—and it is pirating at which the Senator's amendment is aimed——

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

Mr. CLARK. I yield.

Mr. MILLER. Pirating is one facet of the problem. I am thinking of two employers trying to get machinists, for example. They go to the employment service. The employment service may furnish machinists to one employer perhaps to a greater extent than to the other, or perhaps to an earlier extent than the other. That would, in my judgment, be a form of partiality.

Mr. CLARK. I sympathize with the Senator's objective. I do not think there is substantial ground for his fears.

I wonder if, in view of this colloquy and the statement on my part, as a matter of legislative history, making it clear that the committee—and I hope the Senate—urged the Secretary of Labor and the 50 State employment agencies not to exercise partiality between employers, and that they are condemned if they do, the Senator would be willing to withdraw his amendment.

Mr. MILLER. I say to the Senator from Pennsylvania, I believe his statement is very helpful.

I ask a further question: What do we do if when the Senate comes back next year, several Senators have received questions from private employment agencies, indicating that they feel that their volume of business has been diminished because of competition resulting from the organizations established by this act? What is to be done if complaints are received by employers that there has been partiality shown some competitor by the local employment service? What do we do about that situation?

Mr. CLARK. So far as the Subcommittee on Employment, Manpower, and Poverty is concerned, as its chairman, I would urge the ranking minority member [Mr. JAVITS] to join me in promptly calling a hearing to investigate the matter and determine whether any additional legislation is necessary.

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

Mr. MILLER. I have the floor, and I am happy to yield to the Senator from New York.

Mr. JAVITS. I concur with what the Senator from Pennsylvania has stated. I say to the Senator from Iowa, we on the committee thought we had arrived at a happy settlement of this recruitment problem—and we know it is a problem. The settlement is contained not only in the language of the bill, but also in the report.

I should certainly join with Senator CLARK and the other members of the committee in demanding fidelity of the Department and the State agencies, not only to the statute but also to the policy and intent which we have set forth in the report.

Mr. MILLER. And which has been amplified by the discussion on the floor, to wit, that these activities should not be carried on in a way which will compete with private employment agencies, and will not be carried on in a manner which would show partiality between or among employers.

Mr. CLARK. That is correct.

Mr. JAVITS. May I state one further caveat to the Senator?

We took the situation as we found it. The thing that worried me about the competition factor is that there is nothing to prevent a public employment agency from trying to do much more than it did in the past, creating a competitive situation we could not have contemplated in writing this bill.

But leaving that aside, taking the situation as we found it, I feel we have dealt fairly with the question of competition. With that understanding, that we have taken the situation as we find it, I join with the Senator from Pennsylvania in the statements which he has made as to our holding the Department and the States to fidelity to this settlement—which is really what it was—in the committee.

Mr. MILLER. Mr. President, I appreciate very much the expressions by the Senator from Pennsylvania and the Senator from New York. I realize that legislative history on the floor of the Senate is not quite, let us say, as dominant as language written into the act. But because of their positions on the subcommittee, and its good working relationship with the Department, I am sure that if anything happens which is untoward or contrary to the intention that has now been expressed here on the floor, and is expressed to some extent in the committee report, they will take prompt action to remedy it. I therefore withdraw my amendment.

Mr. CLARK. I thank the Senator from Iowa.

The PRESIDING OFFICER. The amendment is withdrawn. The bill is open to further amendment.

Mr. PROUTY. Mr. President, I offer my amendment No. 623, and ask that it be stated.

The PRESIDING OFFICER. The Senate will be in order.

The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Vermont [Mr. PROUTY] proposes amendment No. 623, as follows:

On page 31, line 21, strike out the word "prescribe" and insert in lieu thereof the word "recommend".

Mr. PROUTY. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 3 minutes.

Mr. PROUTY. Mr. President, I am happy to inform my distinguished friend, the Senator from Pennsylvania, that this will be my last amendment, and a rollcall vote will not be necessary.

Section 11(a) of the reported bill authorizes the Secretary of Labor, after consultation with the States, to prescribe minimum qualifications for professional occupations in the State manpower services and job services centers. These professional occupations include occupational counseling, interviewing, occupational analysis, occupational testing, and labor market analysis.

This amendment would delete the word "prescribe" and insert the word "recommend."

If this amendment is adopted the Secretary's authority will be limited to recommending minimum qualifications for professional occupations in the State employment service agencies with the final decision as to whether the Secretary's standards should be adopted in whole or in part in the hands of the State agency.

This seems to be completely consistent with the action taken with respect to subsections (b) and (c) on page 32, my amendments to which the Senator from Pennsylvania accepted.

Mr. CLARK. Mr. President, I yield myself as much time as may be necessary.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CLARK. I ask my friend the Senator from Vermont to look at page 31, line 21, as I state how it would read with his amendment in it:

The Secretary after consultation with the States is authorized to recommend minimum qualifications.

Would the Senator be willing to add at that point the three words "and salary levels," so that we cover the whole waterfront? If the Senator will agree to that modification, in return for his concession to me, I am willing to make the concession to him of changing the word "prescribe" to "recommend."

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

Mr. CLARK. I yield.

Mr. PROUTY. Let me make very certain that I understand what the Senator has in mind.

I believe the Senator simply wishes to give the Secretary authority to recommend levels.

Mr. CLARK. That is correct.

Mr. PROUTY. Mr. President, will the Senator from Pennsylvania state his proposed modification?

Mr. CLARK. Mr. President, I ask to modify the amendment of the Senator from Vermont so as to add at the end of line 21, after the word "qualifications," the words "and salary levels."

I understand the Senator from Vermont is agreeable to accepting that modification. If he does, I shall be happy to accept the amendment.

The PRESIDING OFFICER. Does the Senator from Vermont so modify his amendment?

Mr. PROUTY. I so modify the amendment.

The PRESIDING OFFICER. The Senator having modified his own amendment, a vote on the modification is not necessary.

Does the Senator from Pennsylvania yield back the remainder of his time?

Mr. CLARK. I yield back the remainder of my time.

Mr. PROUTY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Vermont, as modified.

Mr. PROUTY'S amendment No. 623, as modified, was agreed to.

Mr. WILLIAMS of New Jersey. Mr. President, section 13(e) of the pending bill, as reported by the committee, would have placed the tax supported Federal-State farm placement system in a "hands off"—"neutral" position in a labor dispute as determined by the State employment agency. The language of the recommended committee bill merely provided that where such a dispute has been determined by the State agency, the governmental placement service would not refer workers to the employer involved.

I think the Senate should be aware, Mr. President, that the approval yesterday of the Prouty amendment not only eliminated this "hands off" policy—this rule of simple justice—but expressly and positively puts these governmental agencies into the business of strikebreaking.

Item (2) in the Prouty amendment bars referral by the agencies respecting a job "the filling of which is an issue in a labor dispute over which the National Labor Relations Board had jurisdiction."

This is a happy enough result for workers in industries covered by the National Labor Relations Act. But the next sentence of the Prouty amendment refers to workers in industries not covered by the National Labor Relations Act; namely, agriculture.

In respect to these jobs, the Government is required by the Prouty amendment to refer workers to a job even though "the filling of" that job is an issue in the labor dispute as determined by the State agency.

The migrant farmworkers, already the least protected, most exploited workers in the country, are my special concern.

Under the present regulations, they are at a severe disadvantage because, by the very nature of the industry, they are not employees and therefore cannot, technically, be on strike or locked out until the growing or harvest season begins. That, of course, is when hiring begins and that is when labor disputes occur.

Under the amendment adopted yesterday, even the minimum protection they are presently afforded will be removed because the farm industry is not under the National Labor Relations Act.

Mr. President, if this body has the intention of putting taxpayers' money in the business of strikebreaking, and intends to put Federal and State employment agencies in the active role of strikebreaking—then the Prouty amendment most effectively carries out that intention. By approving the Prouty amendment, the Senate has in a single stroke turned the clock back more than three decades and placed agriculture in the same status it was before the original Wagner-Peyser Act.

For my part, I firmly believed that the Senate would never vote to put the Government in the strikebreaking business. I still have grave doubts that the Senate really intended to achieve such a result. Strikebreaking, however—paid for by taxpayers' money and carried out by the Government agencies—is exactly what the Senate voted to do yesterday.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

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

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

Mr. JAVITS. Mr. President, I yield myself 3 minutes on the bill. I further state, for the information of the Senate, that I intend to confine myself to the 3 minutes. I believe that the Senator from Vermont also has a brief statement on the bill.

Mr. President, I think this bill has been brought into admirable balance in respect to its purpose, which is to upgrade, improve, and better coordinate the Federal-State employment services, and to extend somewhat the labor mobility program.

I believe that whatever unhappiness may exist with respect to some of the amendments—and I know that such unhappiness does exist—the fundamental thrust of the bill has been changed primarily only in the direction of giving the States a greater degree of authority. I think a Secretary of Labor as able as Mr. Wirtz can very well live with this bill as it leaves the Senate.

I hope very much that the Department of Labor will pay as strict attention to the words of the committee report and the legislative intent expressed on the floor as it does to the language of the legislation itself. The commitment which we have undertaken in terms of legislative oversight was one of the things which has kept the legislation in balance. The Department should very clearly understand that.

In addition, without regard to whether I agree with any particular amendment or not, I express my satisfaction with the role of the minority which, in my opinion, has been most constructive and has made the pending legislation a much better bill in many respects. It has given the bill greater amplitude and an opportunity to function more effectively.

I compliment the Senator from Pennsylvania [Mr. CLARK] for his leadership. It has been a hard job to bring the bill to its present stage. The Senator has done admirably well.

I think we all have every reason to be satisfied with the end product.

Mr. President, I yield 4 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 4 minutes.

Mr. PROUTY. Mr. President, I would like to take a moment or two to discuss the organization at the Federal level which would have responsibility for this program. S. 2974, as reported by the committee, vests complete authority in this area in the Secretary of Labor. The committee report on page 6 points out, however, that the Secretary of Labor has indicated that no change is contemplated in the current organization whereby the manpower services and the unemployment compensation program are operated under an umbrella agency.

I had intended to submit an amendment to clarify the organization at the Federal level for this program, but if I understand correctly the statement of intent by the Secretary that there will be no change in the present Federal structure and that the umbrella Bureau in the Department to which he refers is and would continue to be the Bureau of Employment Security, then my amendment is unnecessary.

I am sure the Secretary's statement will also allay the fears and suspicions that he might attempt to revive through the means of this legislation his 1965 proposal to reorganize the manpower function within the Department which brought such a storm of protest from the States and their representatives in this Congress that it was subsequently abandoned.

That proposal as I recall would have eliminated the Bureau of Employment Security which for many years has successfully administered the employment service and the unemployment insurance program at the Federal level. It would have disbursed the authority and responsibilities of this Bureau to untried hands in a newly created manpower bureaucracy of the Department. It was the overwhelming consensus of most of the States that had this reorganization succeeded, it would have done irreparable damage to the highly successful Federal-State partnership which has characterized this program from the beginning and would have seriously damaged the ability of the total system to carry out its responsibilities.

As my colleague, Senator AIKEN, pointed out yesterday, this bill gives much new authority to the Secretary of Labor. Substantial safeguards have been provided as a result of amendments adopted during the debate on S. 2974. Many of us are still concerned about the effect of the increased Federal role on our own State employment services, particularly in light of the experience I have just mentioned.

I hope that my understanding of the intentions of the Secretary, as expressed in the report, is correct, and I know that this sentiment is shared by many of my colleagues and certainly by the State employment service agencies.

Mr. CLARK. Mr. President, I yield myself 4 minutes on the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 4 minutes.

Mr. CLARK. Mr. President, as we approach passage of the bill, my opinion is that the bill does reflect the consensus of thinking of all Senators.

I regret, of course, that the Senate agreed to certain amendments which I was forced to oppose. These amendments were proposed by the Johnson administration, but were opposed by a good many interests sincerely interested in a stronger Federal-State employment service partnership. These amendments were all agreed to by rather close votes.

On the other hand, we held in by very close votes the parts of the bill, including the portion dealing with recruitment, which were really essential to viable and meaningful legislation.

I do not believe that the amendments which were agreed to largely because the State employment services are concerned about the Federal encroachment are seriously damaging to the bill. We may have another chance to remedy some of those matters in conference with the House. So, I am content with what the Senate has done.

I again express my appreciation to the minority members of the Subcommittee on Employment and Manpower and of the full Committee on Labor and Public Welfare for the courtesy, cooperation, and assistance they gave all through the course of the consideration of this legislation.

Our relationships have remained friendly. Those Senators have been very helpful. They have made a very great contribution to the final legislative product.

I also thank my colleagues on the Democratic side for their strong support of amendments which I, as floor manager of the bill, felt were important. I also thank the Senators form New York, Massachusetts, West Virginia, New Jersey, Wisconsin, and Texas whose assistance as committee members was so important in helping to bring the bill to a conclusion.

Mr. President, I have decided not to ask for a rollcall vote on passage of the bill. After conferring with my colleagues on both sides of the aisle, conservatives and liberals, supporters, and

opponents of the legislation, I am convinced that a rollcall vote would be a futile gesture. In my judgment, if the roll were called on final passage, the bill would pass almost unanimously, if not entirely so.

I make this statement as a matter of legislative history so that it may be in the record when we go to conference with the House.

Mr. President, if there are no further remarks, I hope that a voice vote may be taken.

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

Mr. CLARK. I yield.

Mr. COTTON. The Senator from New Hampshire, knowing that many Senators are leaving, assures the Senator that he will not ask for a rollcall. However, the remark of the Senator from Pennsylvania to the effect that if a rollcall vote were had the bill would pass unanimously is an unwarranted assumption. Certainly the Senator's opinion is not a part of the legislative history of the bill.

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

Mr. COTTON. I yield.

Mr. CLARK. I think the remarks of the Senator are well taken. I wonder if he would permit me to express my own profound conviction that if a rollcall were had the bill would pass by a very substantial majority.

Mr. COTTON. The Senator from New Hampshire agrees. Otherwise he would try to insist on a record vote. I only object to the Senator from Pennsylvania's attempting to substitute his opinion for a vote.

The bill is a very real step—in spite of some of the amendments—along the road of complete Federal domination of State agencies. The Senator from New Hampshire is not happy about the bill, but he agrees that it will undoubtedly pass. He believes there are other Senators who have misgivings.

I object to the statement that a record vote would be unanimous or nearly unanimous.

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

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, may I propound an inquiry? If there is any question about it, why does not the Senator from Pennsylvania have a rollcall?

Mr. CLARK. Because I have made commitments to Senators who have important engagements, and I have made a commitment to the majority leader that I would not ask for a rollcall.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield back the remainder of his time?

Mr. CLARK. I do.

The PRESIDING OFFICER. Does the Senator from New York yield back the remainder of his time?

Mr. JAVITS. I do.

The PRESIDING OFFICER. All time has been yielded back.

The bill having been read the third time, the question is, Shall it pass?

The bill (S. 2974) was passed, as follows:

S. 2974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to strengthen and improve the Federal-State Employment Service system established under the Act of June 6, 1933, as amended (48 Stat. 113), such Act is amended to read as follows:

"SHORT TITLE

"SECTION 1. This Act may be cited as the 'Manpower Services Act of 1966'.

"DECLARATION OF PURPOSE

"SEC. 2. The Congress has undertaken in a series of enactments to stimulate the development of long-term manpower goals and active manpower policies to implement these goals. The Congress finds that implementation of legislation designed to encourage an active manpower policy is only as effective, at the State and local levels, as the institutions operating at these levels. The existing Federal-State Employment Service, with its present network of almost two thousand local employment service offices, has been the frontline agency assigned the task of translating manpower and employment policy into reality.

"The Congress further finds that effective coordination of manpower services at the Federal, State, and local levels, and between public and private organizations and agencies, is essential to the implementation of congressional legislation; and a that some users and potential users are dissatisfied with the present operations of the existing Federal-State Employment Service.

"The Congress declares that a strong and modern manpower services system which operates not merely as a labor exchange bringing job seekers and employers together but as a comprehensive manpower services agency is essential. Therefore, this Act provides the authority to improve the services provided through the Federal-State employment service, and to transform that service into the comprehensive manpower services system which this National demands in order to deal effectively with its complex economic and employment problems.

"DEFINITIONS

"SEC. 3. As used in this Act—

"(1) the term 'Secretary' means the Secretary of Labor;

"(2) the term 'job services center' means an office established and maintained by a State for the purpose of carrying out, pursuant to a State plan approved under section 12, programs and activities referred to in this Act, and includes any job services center established under section 8(3) for the District of Columbia;

"(3) the term 'State manpower service' means the agency designated in a State plan approved under section 12 as the agency responsible for the establishment and operation of job services centers within such State;

"(4) the term 'State' means the several States, Puerto Rico, Guam, and the Virgin Islands.

"GENERAL FUNCTIONS

"SEC. 4. (a) The Secretary shall develop, in cooperation with the States and in accordance with this Act, a nationwide manpower services system which shall provide services essential for effective development and utilization of the Nation's manpower resources. Such services shall include but not be limited to—

"(1) the furnishing of placement services, including recruitment (provided, however, that recruitment to fill job openings shall be for the principal purpose of providing jobs for the unemployed or underemployed, or providing manpower for national security needs), occupational and related testing and counseling, selection and referral to training, and the furnishing of information concerning employment and training opportunities to all individuals and employers seeking such services;

"(2) the development, in cooperation with employers, of employment opportunities;

"(3) the furnishing of special services, including opportunities for public service employment, for the purpose of developing the employability of and employment opportunities for individuals so disadvantaged in the labor market that they are, or are likely to become, chronically unemployed;

"(4) the development and carrying out of inter-area and interstate placement services;

"(5) the provision of adequate facilities and services to assure that all unemployed individuals claiming unemployment insurance benefits are registered for and referred to employment;

"(6) the collection, classification, analysis, exchange and dissemination of manpower and employment information;

"(7) the conduct of research and experimentation and demonstration projects designed to increase knowledge with respect to matters related to the functions of the nationwide manpower services system with a view to maximizing the efficiency of such system in carrying out the purposes and objectives of this Act;

"(8) the training of specialized personnel necessary to provide for the efficient operation of the nationwide manpower services system.

"(b) The services authorized by this Act shall be made available with respect to all occupations and types of positions and, without distinction because of race, creed, color, national origin, sex, age, or current employment status, to all persons seeking such services.

"(c) In providing the services authorized by this Act the Secretary shall cooperate with employers, labor organizations, educational institutions, private employment agencies, and other public or private agencies or organizations and shall take appropriate steps to promote and encourage the use by such employers, organizations, agencies, or institutions of such services.

"SERVICES TO THE DISADVANTAGED

"SEC. 5. With respect to persons or groups of persons who are disadvantaged in the labor market that they are, or are likely to become, chronically unemployed, the services to be made available shall include—

"(1) the identification of and reaching out to such persons or groups, including the use of mobile units, and providing them with special counseling services in order to determine their needs;

"(2) the development of plans for manpower services commensurate with individual needs, such as referral for remedial education, institutional training, or on-the-job training, rehabilitation, medical examination, and medical care;

"(3) the development of employment opportunities, including opportunities for public service employment, commensurate with the capabilities of such persons; and

"(4) the providing of job counseling and selective placement services for handicapped persons, including the designation of at least one person in each job services center whose duties shall include such functions, and in those States where a State board, department, or agency exists which is charged with the administration of State laws for vocational rehabilitation of handicapped persons, the job services centers shall cooperate with such board, department, or agency;

"(5) the providing of supportive on-the-job and other followup services.

"INTERAREA AND INTERSTATE PLACEMENT SERVICES

"SEC. 6. (a) In carrying out functions relating to interstate placement and recruitment services the Secretary shall—

"(1) require, with respect to all occupations and all types of positions for which there is a regional or national labor market, that job services centers obtain and furnish information with respect to job openings and applicants;

"(2) provide for the effective and prompt distribution among appropriate job services centers of such information;

"(3) after consultation with the States comprising the particular multijob market involved establish, operate or otherwise provide multijob market interstate clearance centers for facilitating placement across State boundaries of such applicants, which centers shall provide information and assistance with respect to the availability of relocation assistance, housing, transportation, and other community services and facilities.

"(b) In carrying out the functions relating to interarea placement services between labor markets that do not extend across State boundaries the Secretary shall provide for multijob market clearance through the State job services centers and shall coordinate their activities with the multijob market interstate clearance centers.

"MANPOWER AND EMPLOYMENT INFORMATION

"SEC. 7. (a) In carrying out functions relating to the development and dissemination of information, the Secretary shall—

"(1) collect, analyze, and store all labor market and manpower information necessary or appropriate in carrying out the purposes of this Act;

"(2) disseminate such information among employers, labor organizations, educational institutions, private employment agencies, and other public or private agencies or organizations, and among other departments and agencies of the Government engaged in carrying out Federal programs concerning manpower development and utilization;

"(3) coordinate the collection of labor market and manpower information by the bureaus and agencies under his jurisdiction to assure efficiency and avoid duplication of efforts.

"(b) In order to carry out his responsibilities under this section, and to assure the most effective administration of interarea and interstate recruitment and placement programs authorized by section 6, the Secretary shall provide for modern and efficient communications systems, automatic data processing equipment, and collection, storage, analysis, and retrieval of information. For these purposes the Secretary shall, to the maximum extent feasible, make use of appropriate information and equipment available to the Bureau of Labor Statistics and other bureaus and agencies.

"(c) The Secretary shall conduct studies and undertake demonstration projects to further the use of automatic data processing systems in the nationwide manpower services system. Such demonstration projects shall include, but not be limited to, the establishment, in one or more job services centers, of a model labor market information system, on a State or interstate basis, that will provide specific employment information on both employment opportunities and skills available in the labor market to interested applicants seeking placement, and to individuals, organizations, or institutions referred to in subsection (a)(2) of this section."

"(d) The Secretary is authorized, either directly or by way of grant, contract, or other agreement with public and private agencies and institutions, to carry out research and experimentation and demonstration projects designed to strengthen the operation of the nationwide manpower services system, with particular emphasis upon the structure of labor markets, the skills, aptitudes, and motivation of persons in the labor market, the demand for new skills and new training requirements, and the use of automatic data processing systems.

"VETERANS AND FARM PLACEMENT SERVICES; DISTRICT OF COLUMBIA

"SEC. 8. The Secretary shall maintain—

"(1) a veterans' employment service to be devoted to securing employment for veterans, and to carry out the functions provided under this Act and under chapter 41 of title 38, United States Code. In the case of appointments for nonclerical positions in the veterans' employment service, the Secretary shall appoint only persons who are veterans of any war, or have served in the active military, naval, or air service since January 31, 1955, and who have been discharged or released therefrom under conditions other than dishonorable.

"(2) a farm labor service, which shall provide placement services for agricultural workers and employers; and

"(3) one or more job services centers for the District of Columbia.

"COORDINATION OF GOVERNMENT TRAINING PROGRAMS

"SEC. 9. (a) The Secretary shall have responsibility for coordinating the programs and activities of agencies within the Department of Labor and all other departments and agencies of the Government relating to the training of individuals for the purpose of improving or restoring employability.

"(b) The Secretary through the national manpower services system shall—

"(1) recruit, counsel and refer to the appropriate office or agency individuals who are in need of and eligible for training under the Manpower Development and Training Act of 1962 (42 U.S.C. 2571–2620), for the Job Corps, the Neighborhood Youth Corps, Work Training, or work experience programs under the Economic Opportunity Act of 1964 (42 U.S.C. 2701–2981), or for any other training program designed to improve or restore the employability of individuals financed in whole or in part with Federal funds and shall be reimbursed therefor by the Federal agency responsible for the training; and

"(2) obtain from the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Director of the Office of Economic Opportunity, and the head of any other Federal agency administering a training program, such employment information as he determines will facilitate the placement of individuals being trained.

In order to facilitate the furnishing of coordinated manpower services to such individuals, the Secretary shall make such arrangements as he deems practical to have representatives of any program referred to in paragraph (1) located in close proximity (in the same building, if possible) with the relevant job services center.

"(c) All other departments and agencies of the Government shall cooperate with the Secretary to the extent necessary to enable him effectively to carry out responsibilities referred to in this section and section 10(c)(1).

"PLANNING AND PROGRAMS FOR EMPLOYMENT DISLOCATIONS AND MANPOWER SHORTAGES

"SEC. 10. (a) The Secretary shall develop plans and procedures for—

"(1) identifying impending and long-range shifts and dislocations in employment, both technological and economic, including those related to reductions or changes in defense activities, and employment needs arising therefrom;

"(2) identifying employment needs arising from chronic unemployment and related problems;

"(3) assuring that job services centers provide such services as may be necessary to meet the situations and needs so identified and to avoid or relieve any adverse impact of such conditions upon workers, including measures which will stimulate occupational readjustment and geographical mobility of the affected workers.

"(b) The Secretary shall develop plans and procedures for dealing with manpower shortage problems. In carrying out such functions, the job services centers may assist employers in (1) preventing, alleviating, and resolving skill shortages and undesirable turnover; (2) making job modifications to permit the use of available labor supply; and (3) identifying entry jobs and training needs.

"(c) The Secretary shall make appropriate arrangements under which—

"(1) departments and agencies of the Federal Government shall list with appropriate job services centers job openings occurring in such departments and agencies and shall, to the maximum extent feasible, conduct recruiting through these centers, and

"(2) private employers will be encouraged to list with such centers any job openings of such employers.

"IMPROVEMENT OF PERSONNEL

"SEC. 11. (a) The Secretary after consultation with the States is authorized to recommend minimum qualifications and salary levels for professional occupations in the State manpower services, and job services centers, such as occupational counseling, interviewing, occupational analysis, occupational testing, and labor market analysis.

"(b) Each State shall establish and maintain for personnel employed in its State manpower service and job service centers a merit system of personnel administration.

"(c) Each State shall develop a salary schedule which in its judgment is adequate to attract and retain qualified personnel for its State manpower service and job services center.

"(d) The Secretary is authorized to establish training programs for persons occupying or preparing to occupy positions referred to in subsection (a), or similar positions in the Department of Labor. Such programs may include—

"(1) orientation and in-service programs;

"(2) grants to individuals for financing education and training in educational institutions or training centers;

"(3) grants to educational or other institutions to finance the development of appropriate curriculums and training materials, and for the establishment of training centers; and

"(4) technical assistance to State manpower services to aid them in the institution or improvement of State or local training programs.

The Secretary, where he deems it appropriate, may make the training programs available to employees of private employment agencies on a reimbursable basis.

"(e)(1) The Secretary with the concurrence of the State may detail Federal employees to State manpower services or job services centers and the States may, with the concurrence of the Secretary, detail State employees to the Department of Labor for temporary periods for training or other purposes, and the provisions of section 507 of the Elementary and Secondary Education Act of 1965 (79 Stat. 27) shall apply to any such assignment.

"(2) The Secretary is authorized to appoint noncompetitively to a Federal position in the Department of Labor any person employed in a State agency, or instrumentality thereof, who is serving in a program financed

in whole or in part by Federal grants under this Act. However, no person shall be so appointed unless he—

"(A) has permanent status in a federally approved State or local merit system;

"(B) received his appointment to the State or local merit system on the basis of competitive examination;

"(C) meets appropriate qualification and suitability standards for the Federal position; and

"(D) passes a noncompetitive examination prescribed by the United States Civil Service Commission.

A person receiving a Federal appointment under this subsection shall complete a one-year probationary period before he acquires a competitive status, and he shall not be eligible on the basis of such competitive status for transfer to any other Federal agency for three years from date of such appointment. The United States Civil Service Commission shall prescribe such regulations as are necessary to carry out the purposes of this subsection.

"(3) The Secretary shall encourage the making of arrangements between States under which employees of one State agency or center may be granted leaves of absence to enable them to become employed for temporary periods by such agency or center in another State.

"STATE PLANS

"SEC. 12. (a) (1) Any State desiring to receive the benefits of this Act shall, through its State manpower service, submit to the Secretary a State plan, annual supplements thereto, or modifications thereof, under which such State shall operate within the State a system of job services centers to carry out such of the duties and functions under this Act as are prescribed by the Secretary.

"(2) Any State plan shall provide that—

"(A) the State shall establish or designate a State manpower service to serve as the single State agency to administer or supervise the administration of all such job services centers within the State: *Provided however*, That the State shall not be precluded from placing the State manpower service under the overall organizational and administrative control of a State agency responsible for manpower services and the unemployment compensation programs;

"(B) the State will, in the operation of such centers, employ such methods of administration as are found by the Secretary to be necessary for the proper and efficient operation of such centers;

"(C) the State manpower service will make such reports, in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports;

"(3) In addition to the provisions required under paragraph (2) to be contained in any State plan under this subsection, there shall be included in any such plan such other provisions as the Secretary may deem necessary or appropriate so as to maximize the utilization of job services centers in assisting him to carry out his duties under this Act.

"(4) Any State plan under this subsection shall specifically provide that the job services centers established and operated pursuant thereto in municipalities of more than 50,000 population shall to the maximum extent practicable within the administrative discretion of the State manpower services agency be separate from the offices administering any unemployment compensation law within such State.

"(5) Any State plan under this subsection shall include provision for placement and other manpower services to be rendered to veterans.

"(b) The Secretary will pay to the State amounts equal to the amounts expended or to be expended by the State in the proper and efficient administration of such centers as determined by the Secretary.

"(c) If the Secretary, after not less than thirty days notice and opportunity for a hearing to the State manpower service of a State finds that, in the operation of job services centers in the State, there is a failure on the part of the State to compy substantially with any provision of such plan, the Secretary shall notify such State agency that further payments under this section will be limited to categories under or parts of the operations of such centers not affected by such failure (or in his discretion, that further payments will not be made to the State) until the Secretary is satisfied that there will no longer be any such failure to comply. Until he is so satisfied he shall limit payments under this section to categories under or parts of the operations of such centers not affected by such failure (or make no further payments to such State under this section).

"ADMINISTRATION

"SEC. 13. (a) The functions of the Secretary under section 6(b) and, to the maximum extent practicable, under section 4(a) (1), (2), (3), and (5), and section 5 of this Act shall be carried out through State manpower services and job services centers.

"(b) The Secretary may utilize the services of State manpower services and job services centers in carrying out any other functions under the Act.

"(c) The Secretary, after not less than thirty days notice and opportunity for hearing to the State, and the State manpower services when authorized by the Secretary, may enter into contracts with individuals or with public or private educational or other appropriate agencies or institutions, including employment agencies, for the provision of specialized or other services when necessary to carry out this Act: *Provided, however*, That no such contract shall be entered into under which a fee or other charge is made to any individual.

"(d) No person shall be referred to a position (i) if the position to be filled is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or (ii) the filling of which is an issue in a labor dispute over which the National Labor Relations Board has jurisdiction. In all other instances, any individual referred to a place of employment where a labor dispute exists shall be given notice of such dispute prior to or at the time of his referral.

"FEDERAL AND STATE ADVISORY COUNCIL

"SEC. 14. (a) The Secretary shall establish a nonpartisan manpower services and unemployment insurance advisory council which shall be composed of men and women representing employers and employees in equal numbers, the public, and experts in the field for the purpose of formulating policies and advising the Secretary on problems relating to the manpower services and the unemployment insurance program and insuring impartiality, neutrality, and freedom from political influence in the solution of such problems. The Secretary shall establish at least two subcommittees with like representations, one for the manpower services and one for the unemployment insurance program.

"(b) The members of the council shall be selected from time to time without regard to the Civil Service Act in such manner and for such period as the Secretary shall prescribe and shall serve without compensation, but when attending meetings of the council, they shall be allowed necesary travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73–b(2)) for persons in the Government service employed intermittently.

"(c) The council and each subcommittee thereof shall have access to all appropriate files and records, and shall be furnished necessary personnel including adequate secretarial and clerical assistance.

"(d) The Secretary may require the organization of similar State advisory councils, and subcommittees composed of men and women representing employers and employees in equal numbers, the public, and experts in the field.

"ANNUAL REPORT

"SEC. 15. The Secretary shall include in his annual report to the Congress a full and complete statement and account of the programs and activities carried out under this Act, together with such comments and recommendations with respect to the improvement thereof as he deems appropriate.

"APPROPRIATIONS

"SEC. 16. There is authorized to be appropriated, in addition to such funds as are made available for expenditure from the employment security administration account established under the Social Security Act, out of any money in the Treasury not otherwise appropriated, the sum of $40,000,000 for the fiscal year ending June 30, 1967, the sum of $70,000,000 for the fiscal year ending June 30, 1968, and the sum of $90,000,000 for the fiscal year ending June 30, 1969.

"RULES AND REGULATIONS

"SEC. 17. The Secretary is authorized to issue such rules and regulations as may be necessary to carry out the provisions of this Act.

"JUDICIAL REVIEW

"SEC. 18. A State agency dissatisfied with a final action of the Secretary under section 12(c) of this Act may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. Any judicial proceeding under this section shall be entitled to, and, upon the request of the Secretary or the State, shall receive a preference and shall be heard and determined as expeditiously as possible. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action. In the event the Secretary's determination is not challenged by the State then the Secretary may enter into a contract with a public or private agency or institution for the carrying out of such operations, or parts

thereof as are the subject of his determination. In the event that the Secretary's determination is challenged and is affirmed by the court, then the Secretary may enter into a contract for the carrying out of such operations or parts thereof as are affirmed by the court.

"AMENDMENTS TO MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

"SEC. 19. (a) Section 104 of the Manpower Development and Training Act is hereby amended by inserting the following new subsection (a).

"'SEC. 104. (a)(1) The Secretary of Labor shall develop and carry out a program to increase the mobility of unemployed individuals by providing them assistance to relocate and meet their relocation expenses. The Secretary may provide such assistance only to involuntarily unemployed individuals who cannot reasonably be expected to secure suitable full-time employment in the community in which they reside, have bona fide offers of employment (other than temporary or seasonal employment), are deemed qualified to perform the work for which they are being employed, and cannot otherwise reasonably be expected to defray the cost of relocation.

"'(2) The Secretary may provide such assistance in the form of loans, which shall be subject to such terms and conditions as the Secretary shall prescribe with the following limitations:

"'(A) the credit is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs;

"'(B) the amount of the loan, together with other funds available, is adequate to assure achievement of the purposes for which the loan is made;

"'(C) the loan is repayable within not more than ten years, or under such other terms as the Secretary may find necessary in individual cases.

"'(3) Assistance provided under this subsection may, to the extent deemed necessary by the Secretary, include temporary financial assistance to meet needs and emergencies occurring immediately before and after relocation, counseling and related supportive services needed by the individuals and their families who are relocated to aid them in establishing themselves in the new job and the community, and such other assistance as may be required to carry out the purposes of this subsection.

"'(4) For the purpose of carrying out this subsection, there are hereby authorized to be appropriated not in excess of $5,000,000 for the fiscal year ending June 30, 1967, not in excess of $10,000,000 for the fiscal year ending June 30, 1968, and not in excess of $10,000,000 for the fiscal year ending June 30, 1969.'

"(b) Section 104 is amended by redesignating subsection '(a),' '(b),' and '(c)' as subsection '(b),' '(c),' and '(d),' respectively."

EFFECTIVE DATE

"SEC. 20. The amendment made by sections 1 through 18 of this Act shall take effect one hundred and eighty days after the enactment of this Act, except that no State shall be subject to any requirement imposed by or pursuant to such amendment, compliance with which will require a change in the laws of such State, until the expiration of one hundred and eighty days following the first meeting of the legislature thereof which occurs after the date of enactment of this Act. The amendments made by section 19 of this Act shall take effect on enactment of this Act.

Mr. JAVITS. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. CLARK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, as chairman of the Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare, the distinguished senior Senator from Pennsylvania [Mr. CLARK] has consistently been a strong and articulate advocate on behalf of effective legislation for the Nation's vital labor force. His handling of the Manpower Services Act during the past 2 days was exemplary. Its passage adds another great achievement to Senator CLARK's already abundant record of outstanding accomplishments.

The senior Senator from New York [Mr. JAVITS] is to share in today's success. His vigorous efforts and cooperative support on this measure were indispensable to its endorsement by the Senate. We are grateful.

Others too are to be commended for their gracious cooperation and deserve high praise for assuring orderly action on this measure. Particularly noteworthy, were the efforts of the junior Senator from Vermont [Mr. PROUTY] who, along with the junior Senator from Colorado [Mr. DOMINICK], urged his own sincere views on various features of the proposal but in no way sought to impede its disposition. The splendid cooperation of these two Senators is always welcome and we are grateful.

Also to the Senators from New York [Mr. KENNEDY] and New Jersey [Mr. WILLIAMS] goes high commendation for offering their clear views. The able support of these two Senators helped to assure swift and successful action.

The Senate may again be proud of an achievement obtained with the orderly and efficient action which has characterized so many of its accomplishments this session. The cooperation displayed on this as on other proposals is truly a credit to the entire body.

THE JOURNAL

On request of Mr. KUCHEL, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, June 28, 1966, was dispensed with.

REORGANIZATION PLAN NO. 5 OF 1966—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 456)

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a message from the President on Reorganization Plan No. 5 of 1966. Without objection, the message will be printed in the RECORD without being read, and will be appropriately referred.

The message, together with the Reorganization Plan No. 5, was referred to the Committee on Government Operations, as follows:

To the Congress of the United States:

I am transmitting Reorganization Plan No. 5 of 1966, prepared in accordance with the Reorganization Act of 1949, as amended.

The time has come to recognize the readiness of local governments in the Washington Area to undertake a role which is properly and rightfully theirs. To that end, I am submitting a reorganization plan to abolish the National Capital Regional Planning Council.

Comprehensive regional planning is vital to the orderly development of our metropolitan areas. Nowhere is it more important than in the National Capital Region.

To be most effective, regional planning must be a responsibility of the area's State and local governments acting together to solve mutual problems of growth and change. It should not be a Federal function, although the Federal Government should support and advance it.

The need for cooperative planning was recognized years ago in the National Capital Region. The establishment of the National Capital Regional Planning Council in 1952 to prepare a comprehensive development plan was a major step in meeting that need.

However, the Council was designed for conditions which no longer exist. It was established by Federal law as a Federal agency financed by Federal funds because the various local jurisdictions then felt they were not in a position to provide the financing necessary for area-wide comprehensive planning.

The situation that existed in 1952 has been changed by two major developments:

The founding of the Metropolitan Washington Council of Governments, and the inauguration of a nationwide urban planning assistance program, commonly referred to as the "701 Program."

The Metropolitan Washington Council of Governments, established in 1957, is a voluntary association of elected officials of local governments in the area. It has a competent professional staff and has done constructive work on areawide development matters. It had a budget of nearly a quarter of a million dollars for fiscal year 1965, mostly derived from local government contributions, and has developed to the point where it can fully carry out the State and local aspects of regional planning.

The urban planning assistance program provides for Federal financing of two-thirds of the cost of metropolitan planning. The National Capital Regional Planning Council, as a Federal agency, is not eligible for assistance under this program. The Metropolitan Washington Council of Governments, however, became eligible for that assistance under the terms of the Housing and Urban Development Act of 1965. Accordingly, the elected local governments of the National Capital Region have declared their intention of undertaking the responsibility for areawide comprehensive planning through the Council of Governments.

The reorganization plan will not alter the basic responsibilities of the National Capital Planning Commission. That Commission will continue to represent the Federal interest in the planning and development of the region. Indeed, its work should increase as comprehensive regional planning by the Council of Governments is accelerated. In accord with

the reorganization plan, the Commission will work closely with the Council of Governments in regional planning. The Commission will also deal directly with the suburban jurisdictions and assume the liaison functions now exercised by the National Capital Regional Planning Council.

The reorganization plan will improve existing organizational arrangements of and promote more effective and efficient planning for the National Capital Region.

It will also result in long-range savings to the Federal Government. The regional planning effort of the Council of Governments is supported in part by local contributions. The same work done by the National Capital Regional Planning Council has been supported totally with Federal funds. The plan will eliminate this overlapping effort.

Annual savings of at least $25,000 should result from the reorganization plan.

The functions to be abolished by the reorganization plan are provided for in sections 2(e), 3, 4, 5(d), and 6(b) of the Act approved June 6, 1924, entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital" (43 Stat. 463), as amended (66 Stat. 783, 40 U.S.C. 71a(e), 71b, 71c, 71d(d), and 71E(b)).

I have found, after investigation, that each reorganization included in the accompanying reorganization plan is necessary to accomplish one or more of the purposes set forth in Section 2(a) of the Reorganization Act of 1949, as amended.

I recommend that the Congress allow the reorganization plan to become effective.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *June 29, 1966.*

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

UNIFORM NATIONAL INSPECTION SYSTEM FOR GRAIN

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to provide for U.S. standards and a uniform national inspection system for grain, and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORT ON PROPOSED JOHN FITZGERALD KENNEDY LIBRARY

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on a proposed Presidential archival depository to be known as the John Fitzgerald Kennedy Library (with an accompanying report); to the Committee on Government Operations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of financial statements of the Bureau of Engraving and Printing Fund, Treasury Department, fiscal years 1964–65, dated June 1966 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of New Hampshire; to the Committee on the Judiciary:

"Concurrent resolution ratifying a proposed amendment to the Constitution of the United States of America

"Whereas, both houses of the Eighty-ninth Congress of the United States of America, by a constitutional majority of two-thirds thereof have made the following proposition to amend the Constitution of the United States of America, in the following words, to wit:

" 'Joint resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office

" '*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE

" 'SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

" 'SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

" 'SEC. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

" 'SEC. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

" 'Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.'

"*Therefore, be it resolved*, by the House of Representatives of the State of New Hampshire, the Senate concurring: That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby ratified by the legislature of the State of New Hampshire.

"*Further resolved*, that certified copies of this preamble and concurrent resolution be forwarded by His Excellency the Governor to the Secretary of State at Washington, to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

"June 13, 1966.

"WALTER R. PETERSON, JR.,
"Speaker of the House of Representatives.

"June 13, 1966.

"STEWART LAMPREY,
[SEAL] *President of the Senate."*

The memorial of Joe Hauge, of New York, New York, remonstrating against the enactment of House bill 14765 and Senate bill 3296, relating to the sale or rental of property; to the Committee on the Judiciary.

BILLS INTRODUCED

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

By Mr. SALTONSTALL:

S. 3567. A bill to amend the Social Security Act to eliminate the requirement that individuals insured for benefits under title XVIII of such act must first have been hospitalized in order to receive benefits under part A of such title with respect to home health services; 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. SALTONSTALL (for himself and Mr. KENNEDY of Massachusetts):

S. 3568. A bill to amend the act of August 7, 1961, providing for the establishment of Cape Cod National Seashore; to the Committee on Interior and Insular Affairs.

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

By Mr. MONTOYA:

S. 3569. A bill for the relief of Maria A. De Lilla; to the Committee on the Judiciary.

By Mrs. SMITH:

S. 3570. A bill to authorize an exchange of lands at Acadia National Park, Maine; to the Committee on Interior and Insular Affairs.

(See the remarks of Mrs. SMITH when she introduced the above bill, which appear under a separate heading.)

By Mr. TOWER:

S. 3571. A bill to provide relief for certain homeowners whose properties are situated at or near Federal installations which have been ordered to be closed, and for other purposes; 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.)

RESOLUTION

STUDY BY COMMITTEE ON ARMED SERVICES RELATING TO CERTAIN HOUSING NEEDS OF MEMBERS OF THE ARMED FORCES

Mr. TOWER submitted a resolution (S. Res. 280) to authorize a study by the Committee on Armed Services with respect to certain housing needs and problems of members of the Armed Forces, which was referred to the Committee on Armed Services.

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

AMENDMENT OF SOCIAL SECURITY ACT, RELATING TO HOME HEALTH SERVICES

Mr. SALTONSTALL. Mr. President, I introduce, for appropriate reference, a bill to amend the Social Security Act to eliminate the requirement that individuals insured for benefits under title XVIII of that act must first have been hospitalized in order to receive benefits under part A with respect to home health services.

The law passed last year requires that 3 days be spent in a hospital before a person can get home nursing care or nursinghome care. Recently I introduced a measure which would eliminate the 3-day requirement in connection with nursing homes. This bill eliminates the 3-day requirement with respect to home nursing care. It would permit payments to be made for visiting nurse and related health services when furnished in accordance with a plan established and reviewed periodically by a physician.

The proposed payments would be made only for patients who are under the care of a physician and confined to their own home, except when they are taken elsewhere to receive services which cannot readily be supplied at home. The nature and extent of the care patients would receive would be planned by their doctors, thus assuring medical supervision of the home health services provided by para medical personnel such as nurses or physical therapists.

Last year I proposed this measure as an amendment when the Senate debated the medicare bill, and it was passed by the Senate. Unfortunately, however, it was dropped in the Senate-House conference. I think it is a desirable ingredient of an effective medicare package, and I am, therefore, reintroducing it at this time in the hope that it can be enacted in this session of the Congress.

During the floor discussion of this matter in 1965, I was pleased to have the support of the distinguished majority whip and present chairman of the Finance Committee, Senator LONG of Louisiana. At that time, the Senator said in commenting on my measure:

> The Senator's proposal would save money and provide for a better program insofar as a person does not really require hospital care but only home care. It is perhaps desirable—and the Department estimates that it will save money under the program—to make sure that people are receiving money for home care who are not properly entitled to hospitalization and who are not sick enough to require that they be provided hospital care.

We know how important health services are to the welfare of our older people. We want to give special attention to the health needs of that age group and to make sure that the bill that is on the books accomplishes what it should accomplish. There is no question that home health services are extremely important. It seems equally clear to me that present provisions in law relating to this subject could be improved by enactment of this proposal. The 3-day requirement is an arbitrary one which, while it has a desirable purpose, does not serve that purpose well and also tends to prevent certain individuals who would be helped by home health services from getting them. It may also lead to the hospitalization of people who do not really need to be hospitalized, thus increasing even further the already heavy pressures on available hospital beds. This restriction also imposes a financial burden on an aged person by requiring him to pay a $40 deductible for his hospital care, when, in fact, such care is unnecessary.

My bill provides a constructive alternative to existing provisions in law. I hope it will pass.

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

The bill (S. 3567) to amend the Social Security Act to eliminate the requirement that individuals insured for benefits under title XVIII of such act must first have been hospitalized in order to receive benefits under part A of such title with respect to home health services, introduced by Mr. SALTONSTALL, was received, read twice by its title, and referred to the Committee on Finance.

AMENDMENT OF ACT ESTABLISHING THE CAPE COD NATIONAL SEASHORE

Mr. SALTONSTALL. Mr. President, on behalf of myself and my colleague, the junior Senator from Massachusetts [Mr. KENNEDY], I introduce, for appropriate reference, a bill to amend the act of August 7, 1961, providing for the establishment of the Cape Cod National Seashore.

This bill increases the original authorization from $16 to $28 million in order that the National Park Service may complete land acquisition within the boundary established for the seashore. Land prices in all seashore areas have increased substantially since the time when we first considered this legislation, and land acquisition has progressed more rapidly than anticipated.

When Senator John Kennedy, Congressman KEITH and I introduced the original bill, there was considerable opposition to it on Cape Cod, and the National Park Service working with the advisory commission has done a splendid job in planning and administering the 14,000 acres already controlled by the Federal Government.

When I visited the seashore for its dedication on Memorial Day, I was impressed by the cordiality with which this project is now greeted by Cape Codders.

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

The bill (S. 3568) to amend the act of August 7, 1961, providing for the establishment of Cape Cod National Seashore, introduced by Mr. SALTONSTALL (for himself and Mr. KENNEDY of Massachusetts), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

EXCHANGE OF LANDS AT ACADIA NATIONAL PARK, MAINE

Mrs. SMITH. Mr. President, I introduce, for appropriate reference, a bill to authorize an exchange of lands at Acadia National Park, Maine. This proposed legislation would authorize an exchange of certain lands between the Federal Government and the Jackson Laboratory of Bar Harbor, Maine, a nonprofit corporation engaged in medical research. The lands are located in and near Acadia National Park in the State of Maine.

The land to be conveyed by the Federal Government consists of 4.632 acres comprising a 16-foot road right-of-way leading off from State Highway No. 3 and bisecting holdings of the Jackson Laboratory, and of approximately 1,500 feet of right-of-way of the old road formerly serving the Bear Brook Campground at Acadia National Park. Both roads are used solely to service holdings of the Jackson Laboratory. Transfer of these roads and the land they occupy has been requested by the Jackson Laboratory, but special legislation is necessary to permit the transfer.

The Jackson Laboratory would, in exchange therefore, convey to the United States a 4.828-acre strip of land adjacent to the Bear Valley Picnic Area at Acadia National Park. The laboratory has delivered to the National Park Service a preliminary deed to the property. The proposed legislation will authorize the United States to accept title to such land.

The lands to be exchanged are considered to be approximately equal in value.

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

The bill (S. 3570) to authorize an exchange of lands at Acadia National Park, Maine, introduced by Mrs. SMITH, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

RELIEF FOR CERTAIN HOMEOWNERS WHOSE PROPERTIES ARE SITUATED NEAR FEDERAL INSTALLATIONS

Mr. TOWER. Mr. President, I introduce, for appropriate reference, a measure designed to assist those homeowners

in areas where Federal institutions are being closed and/or are being phased out. I ask that the text of the bill appear at this point in the RECORD.

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

The bill (S. 3571) to provide relief for certain homeowners whose properties are situated at or near Federal installations which have been ordered to be closed, and for other purposes, introduced by Mr. TOWER, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3571

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 "Homeowners Relief Act of 1966".

TITLE I—ACQUISITION OF RESIDENTIAL PROPERTIES AT OR NEAR CERTAIN MILITARY BASES

SEC. 101. Notwithstanding any other provision of law, the Secretary of Defense (hereinafter in this title referred to as the "Secretary") is authorized to acquire title to, hold, manage and dispose of, or, in lieu thereof, to reimburse for certain losses upon private sale of, or foreclosure against, any property improved with a one- or two-family dwelling, which is situated at or near a military base or installation which the Department of Defense has, subsequent to November 1, 1964, ordered to be closed in whole or in part, if he determines—

(1) that the owner of such property is, or has been, a Federal employee employed at or in connection with such base or installation (other than a temporary employee serving under a time limitation) or a serviceman assigned thereto;

(2) that the closing of such base or installation, in whole or in part, has required or will require the termination of such owner's employment or service at or in connection with such base or installation; and

(3) that as the result of the actual or pending closing of such base or installation, in whole or in part, there is no present market for the sale of such property upon reasonable terms and conditions.

SEC. 102. The benefits of this title shall be available only to an employee or serviceman referred to in paragraph (1) of section 101 who—

(1) (A) is or was assigned to or employed at or in connection with a base or installation described in section 101 at the time of public announcement of the closure action; or

(B) was transferred from such base or installation (or from an activity in connection therewith), or was terminated as an employee at or in connection with such base or installation as a result of reduction-in-force, within six months prior to such public announcement; or

(C) was transferred from such base or installation (or from an activity in connection therewith) on an overseas tour, unaccompanied by dependents, within fifteen months prior to such public announcement; and

(2) at the time of such public announcement, or at the time of transfer or termination as set forth above—

(A) was the owner-occupant of the dwelling for which compensation is sought; or

(B) had vacated such dwelling as a result of being ordered into on-post housing during the six-month period prior to such public announcement; and

(3) as a consequence of such closure action—

(A) is or was required to relocate because of military transfer or acceptance of employment beyond a normal commuting distance from the dwelling for which compensation is sought; or

(B) is unemployed, not as a matter of personal choice, and is able to demonstrate such financial hardship as to be unable to meet mortgage payments on such dwelling or other payments related thereto.

SEC. 103. Any person determined by the Secretary to be eligible, under the criteria hereinabove set forth, for the benefits of this title may elect—

(1) to receive a cash payment with respect to the property as to which he is entitled to such benefits in an amount not to exceed 5 per centum of the fair market value of such property prior to public announcement of the closure action, as determined by the Secretary, as partial compensation for losses which may be sustained by him as a result of the private sale of such property; or

(2) to receive as the purchase price of such property (A) an amount not to exceed 90 per centum of its fair market value prior to public announcement of the closure action, as determined by the Secretary, (B) the principal amount of the mortgage or mortgages which are then outstanding on such property, or (C) such lesser amount as the Secretary determines, prior to an election hereunder by such person, to be reasonable.

In the event foreclosure action is commenced, prior to the expiration of one hundred and twenty days after the date of enactment of this Act, against any such property held by any such person, the Secretary may pay on behalf of such person, or cause reimbursement to be made to such person for, the direct costs of such foreclosure action, and the amount of any deficiency judgment, imposed in connection therewith by a court of competent jurisdiction.

SEC. 104. Any property acquired under this title shall be conveyed to, and acquired in the name of, the United States. The Secretary shall have the power to deal with, rent, renovate, and dispose of, by sale for cash or credit or otherwise, any property so acquired. No such acquisition, or contract for such acquisition, shall be deemed (1) to constitute an acquisition of, or contract for, housing units in support of military installations or activities for purposes of section 406(a) of the Act of August 30, 1957, as amended (42 U.S.C. 1594i), or (2) a transaction within the meaning of section 2662 of title 10, United States Code.

SEC. 105. (a) There shall be in the Treasury a fund which shall be available to the Secretary for the purpose of extending financial assistance under this title. The capital of such fund shall consist of such sums as may from time to time be appropriated thereto, and shall consist also of receipts from the management, rental, or sale of properties acquired under this title. Such receipts shall be credited to the fund and shall be available, together with funds appropriated therefor, for purchase or reimbursement purposes as provided in this title, as well as to defray expenses arising in connecion with the acquisition, management, and disposal of such properties, including the payment of principal, interest, and other expenses arising in connection with mortgages or other indebtedness on such properties, and including the cost of staff or contract services, and insurance or other indemnity costs. Any part of such receipts not required for such expenses shall be covered into the Treasury as miscellaneous receipts.

(b) Payments from the fund created by this section may be made in lieu of taxes to any State, or political subdivision thereof, with respect to any real property acquired and held under this title. The amount so paid for any year upon such property shall not exceed the taxes which would be paid to such State or subdivision, as the case may be, upon such property if it were not exempt from taxation, and shall reflect such allowance as may be considered appropriate for expenditures, if any, by the Government for streets, utilities, or other public services to serve such property.

SEC. 106. The title to any property acquired under this title, the eligibility for, and the amounts of, cash payable, and the administration of this title shall conform to such requirements, and shall be administered under such conditions and regulations, as the Secretary may prescribe. Such regulations shall also prescribe the terms and conditions under which payments may be made, and instruments accepted, under this title, and all the determinations and decisions made pursuant to such regulations by the Secretary regarding such payments and conveyances and the terms and conditions under which the same are approved or disapproved, shall be final and conclusive and shall not be subject to judicial review.

SEC. 107. The Secretary is authorized to enter into such agreement with the Secretary of Housing and Urban Development as may be appropriate for the purposes of economy and efficiency of administration of this title. Such agreement may provide authority to the Secretary of Housing and Urban Development, or his designee, to make any or all of the determinations and take any or all of the actions which the Secretary of Defense is authorized to undertake pursuant to this title. Any such determinations shall be entitled to finality to the same extent as if made by the Secretary of Defense, and, in the event the Secretary of Defense and the Secretary of Housing and Urban Development so elect, the fund established pursuant to section 105 shall be available to the Secretary of Housing and Urban Development to carry out the purposes thereof.

SEC. 108. Paragraph (8) of section 223(a) of the National Housing Act is amended to read as follows:

"(8) executed in connection with the sale by the Government of any housing acquired pursuant to title I of the Homeowners Relief Act of 1966."

SEC. 109. No funds shall be appropriated for the acquisition of any property under authority of this title unless such funds have been specifically authorized for such purposes in an annual military construction authorization Act, and no moneys in the fund created pursuant to section 105 shall be expended for any such purpose unless specifically authorized in an annual military construction authorization Act.

SEC. 110. Section 108 of the Housing and Urban Development Act of 1965 is hereby repealed.

TITLE II—MORTGAGE RELIEF FOR CERTAIN HOMEOWNERS

SEC. 202. Section 107 of the Housing and Urban Development Act of 1965 is amended—

(1) by striking out the section heading and inserting in lieu thereof the following: "Mortgage Relief For Certain Homeowners";

(2) by striking out "Federal Housing Commissioner" each place it appears and inserting in lieu thereof "Secretary of Housing and Urban Development";

(3) by striking out paragraph (3) of subsection (a) and inserting in lieu thereof the following:

"(3) The term 'distressed mortgagor' means an individual—

"(A) whose employment at a Federal installation was terminated subsequent to November 1, 1964, as the result of the closing, in whole or in part, of such installation, and

"(B) who is the owner-occupant of a dwelling situated at or near such installation and upon which there is a mortgage securing a loan which is in default because of the inability of such individual to make payments of principal and/or interest under such mortgage.";

(4) by striking out paragraph (4) of subsection (b) and inserting in lieu thereof the following:

"(4) Any certificate of moratorium issued under this subsection shall expire on whichever of the following dates is the earliest—

"(A) two years from the date on which such certificate is issued;

"(B) thirty days after the date on which the mortgagor gives notice in writing to the Federal mortgage agency that he is able to resume his obligation to make payments of principal and/or interest under his mortgage; or

"(C) the date on which such mortgagor becomes in default with respect to any condition or covenant in his mortgage other than that requiring the payment by him of installments of principal and/or interest under the mortgage."; (5) by inserting after subsection (c) a new subsection as follows:

"(d) Each Federal mortgage agency, upon the request of any individual (1) who is the owner-occupant of a dwelling which is situated at or near a Federal installation and upon which there is a mortgage insured or guaranteed by such agency, and (2) whose employment at such installation was terminated subsequent to November 1, 1964, as the result of the closing, in whole or in part, of such installation, shall provide technical assistance to such individual in effecting a sale of such dwelling."; and

(6) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g).

Mr. TOWER. Mr. President, the first section of the bill incorporates the Department of Defense's own recommendations to share losses with homeowners forced to sell homes at inactive bases.

I ask that an article from the Journal of the Armed Forces of May 21, 1966, explaining in some detail this proposal, be printed at this point in the RECORD.

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

The article, presented by Mr. TOWER, is as follows:

DOD WILL SHARE LOSSES WITH FAMILIES FORCED TO SELL HOMES AT INACTIVE BASES

Military families and DoD civilian employees who own homes at installations ordered deactivated by the Defense Department are being offered a $78-million program to help ease the economic hardship of selling their former residences.

The plan, drafted by the Pentagon and submitted to Congress for action, affects approximately 203,000 families who have been forced or will be forced to sell their homes as a result of DoD base-closures ordered since 1 November 1964.

The proposal has a retroactive feature to aid those who already have suffered losses in the sale of their property.

Deputy Secretary of Defense Cyrus Vance, who sent the plan to the House and Senate for action, said the estimated $78-million cost of the program would cover property affected by base-closures announced from November 1964 through December 1965.

The legislation would replace authority enacted by Congress last year (but never implemented for the Armed Forces) under which DoD was granted permission to acquire title to one-family and two-family dwellings in the vicinity of, and owned by personnel employed at, a military base or installation ordered to be closed after 1 November '64.

Congress told DoD it could purchase the homes at a price determined to be the average value of similar property as of a representative period prior to announcement of the intention to close the activity. After DoD purchase, the properties would have been turned over to FHA for disposal.

Funds were not appropriated for the purchases, however, and DoD now says that although it supported the "principle and intent" of the legislation, the 1965 law would pose administrative difficulties and create a "potentially inequitable burden" on the Government by requiring the Department to "underwrite possible significant profits" for the homeowners.

To replace the present law, DoD has recommended a plan which would offer the homeowners "relief on a loss-sharing basis."

Secretary Vance said the Government's contribution under the new plan "would be limited to payment of a substantial portion of the out-of-pocket losses sustained by its personnel (as homeowners) in direct consequence of base closings."

This loss-sharing concept, he said, "follows the generally accepted principle that individuals ought to bear the reasonable risks inherent in property ownership without, however, subjecting them to substantial adverse results which base closing may have on the particular market."

Secretary Vance told Congress that the Government's responsibility in this connection "should be to assume not more of an individual's loss than he could be expected reasonably to absorb when the loss is not proximately caused by the Government's action." He said the concept is similar to that frequently contained in casualty insurance, coupled with the deductible principle typically found in auto collision insurance policies.

In addition to decreasing "the administrative burden and cost" of processing dwelling acquisitions and disposals under the present law, "and at the same time to stimulate efforts by affected personnel to market their own properties," the Secretary said the new plan offers a "cash incentive payment" for eligible homeowners who elect to accept "such contribution toward their loss on private sale in sums not to exceed 5% of the fair market value of each property."

He said calculation of value "would be made as of the time immediately prior to public announcement of the intention to close all or part of the particular military installation or activity involved."

As an alternative to the "cash incentive payment," the proposal would give the Secretary of Defense authority "to pay in lieu of such contribution to those who sell their own properties, a sum not to exceed 90% of such prior value and to acquire the property thus purchased"

If Congress enacts the legislation, Secretary Vance said DoD will administratively provide that eligible personnel can convey their properties to the Government on the basis of one of three considerations along the lines of the following alternatives:

90% of prior fair market value less 25% of the decline in value subsequent to the base closure announcement; or

90% of prior fair market value less 1.5% of prior value for each year of occupancy, with a minimum "use" charge of 3%; or

The amount of the outstanding mortgage in the case of FHA-insured or VA-guaranteed mortgages, or the amount of the outstanding conventional mortgage not to exceed 90% of prior market value.

Owners who had already sold their homes at a loss prior to the implementation of the proposed new program "would be eligible," Secretary Vance said, "for the applicable cash sales incentive or the difference between their chosen formula option and their actual net sales proceeds, whichever is greater."

The program would be limited to military personnel assigned to an affected activity (and to Federal civilian employees who were employed at or in connection with such an activity) and who were owner-occupants of a dwelling in the impacted area at the time of the closure announcement.

This would seem to bar from eligibility any military homeowner who had been transferred to another base and was renting his property at the installation being closed.

Secretary Vance said enactment of the plan would permit DoD "to accomplish an equitable and realistic program to minimize the economic hardships suffered by individuals as the incidental result of maintaining an up-to-date and efficient establishment."

Mr. TOWER. Mr. President, title II of my bill provides that homeowners, who had been employed at closed or curtailed Federal installations, can secure from the appropriate Federal agency a moratorium on mortgage payments for periods up to 2 years.

In other words, a homeowner who meets the bill's criteria can defer his monthly mortgage payments for periods up to 2 years.

Also, under this title, the appropriate Federal Government agency will be required to assist the subject homeowner in effecting a sale of his home, if he so desires.

I do wish to point out that measures similar to these were incorporated into the Housing Act of 1965 with bipartisan support. Unfortunately, and primarily because the Department of Defense requested no funds, relief to the distressed homeowner was not forthcoming.

With a part of this proposal I am introducing today coming from the Department of Defense itself, hopefully favorable action can at last be forthcoming.

STUDY BY COMMITTEE ON ARMED SERVICES RELATING TO CERTAIN HOUSING NEEDS OF MEMBERS OF THE ARMED FORCES

Mr. TOWER. Mr. President, as the ranking minority member of the Housing Subcommittee of the Banking and Currency Committee, and as a member of the Armed Services Committee, it has been a concern of mine whether or not our servicemen and their families were being adequately housed. Also, whether or not, in the closing of base areas, servicemen and their families were suffering hardship in trying to sell their homes.

I therefore submit a resolution for a committee study of this situation. I now ask consent that the text of this resolution be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the RECORD.

The resolution (S. Res. 280) was referred to the Committee on Armed Services, as follows:

S. RES. 280

Resolved, That the Committee on Armed Services, 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 to determine—

(1) whether the need for family housing by members of the armed forces is being adequately provided for under existing programs; and

(2) the effectiveness of existing legislation in minimizing economic hardship on the part of members of the armed forces owning homes at or near military bases or installations which have been ordered to be closed in whole or in part.

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

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

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $100,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL COSPONSORS

Mr. KUCHEL. Mr. President, on behalf of the majority leader [Mr. MANSFIELD] I ask unanimous consent that the names of additional Senators may be added as cosponsors of the bill (S. 3035) prior to filing of the report thereon.

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

NOTICE CONCERNING NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

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

Joseph T. Ploszaj, of Connecticut, to be U.S. marshal, district of Connecticut, term of 4 years. (Reappointment.)

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Wednesday, July 6, 1966, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

SPRING GARDEN PLANTING WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1284, Senate Joint Resolution 168.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 168) to authorize the President to issue annually a proclamation designating the 7-day period beginning October 2 and ending October 8 of each year as "Spring Garden Planting Week."

The PRESIDING OFFICER. Is there objection to the consideration of the joint resolution?

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

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue annually a proclamation designating the seven-day period comprising the first full week in October of each year as "Spring Garden Planting Week", and inviting the governments of the States and communities and the people of the United States to join in the observance of such week with appropriate ceremonies and activities.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1319), explaining the purposes of the joint resolution.

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

PURPOSE

The purpose of the joint resolution is to authorize and request the President of the United States to issue annually a proclamation designating the 7-day period comprising the first full week in October in each year as "Spring Garden Planting Week."

STATEMENT

The national beautification program is one in which all of us must play a role if it is to succeed on a national level. This was realized when President Johnson summoned the memorable White House Conference on Natural Beauty in May of 1965. Leaders in all areas of national life concerned with beautification came to Washington to talk about the many problems of beautifying our townscapes and countrysides, our highways, and the parks and streams of the Nation. Many wise and practical solutions were offered, and much valuable work has been done by the delegates to this meeting. Generations hence, this conference may well rank as one of the most lasting accomplishments of this administration.

It remains for this Congress, however, to take the step that will enable every citizen to have a personal part in this program, the part that is most natural for him—beautification of his own home. People who want to live in beautiful surroundings at home will be people who care about beauty in their public buildings and parks, their towns, and their roadsides.

Mrs. Lyndon B. Johnson, who has given so much of her time and effort to beautify America, expressed this thought in a recent report on the program she leads to beautify our Nation's Capital. She also said "It is, most of all, a citizenry that cares, that believes beautiful surroundings to be both necessary and possible" that will make beautification work. Another way of saying this, to which all would agree, is that beauty begins at our own homes.

The committee is of the opinion that this resolution has a meritorious purpose and will accord with the objectives of the President's beautification program now in progress. Accordingly, the committee recommends favorable consideration of Senate Joint Resolution 168, without amendment.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1304 and that the remainder of the calendar be considered in sequence.

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

WONG OCK WAH AND HIS WIFE MON HING WONG

The Senate proceeded to consider the bill (S. 3141) for the relief of Wong Ock Wah (Sheck See Hom) and his wife Mon Hing Wong which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 4, after the word "Act,", to strike out "Wong Ock Way (Sheck See Hom) and his wife, Mon Hing Wong" and insert "Hom Sheck See and his wife, Hom Mon Hing"; 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, for the purposes of the Immigration and Nationality Act, Hom Sheck See and his wife, Hom Mon Hing shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

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 for the relief of Hom Sheck See and his wife, Hom Mon Hing."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1336), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Hom Sheck See and his wife Hom Mon Hing. The bill provides for appropriate quota deductions and for the payment of the required visa fees. The bill has been amended in accordance with the suggestion of the Commissioner of Immigration and Naturalization to reflect the proper names of the beneficiaries.

DUSKO DODER

The Senate proceeded to consider the bill (S. 3222) for the relief of Dusko Doder which had been reported from the Committee on the Judiciary, with an amendment, in line 6, after the word "of", to strike out "January 31, 1960" and

insert "February 1, 1960"; 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, for the purposes of the Immigration and Nationality Act, Dusko Doder shall be held and considered to have been lawfully admitted to the United States for permanent residence as of February 1, 1960.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1337), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The purpose of the amendment is to reflect the true entry date of the beneficiary.

DR. ALBERTO L. MARTINEZ

The bill (S. 3106) for the relief of Dr. Alberto L. Martinez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Alberto L. Martinez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 30, 1960.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1338), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Alberto L. Martinez as of October 30, 1960, in order that he may file a petition for naturalization.

JOSE R. CUERVO

The Senate proceeded to consider the bill (S. 3110) for the relief of Jose R. Cuervo which had been reported from the Committee on the Judiciary, with an amendment, in line 6, after the word "of", to strike out "October 23, 1962" and insert "July 23, 1960"; 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, for the purposes of the Immigration and Nationality Act, Jose R. Cuervo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 23, 1960.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1339), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Jose R. Cuervo as of July 23, 1960, in order that he may file a petition for naturalization. The purpose of the amendment is to correct the beneficiary's original date of admission.

BILL PASSED OVER

The bill (S. 3186) to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior was announced as next in order.

Mr. MANSFIELD. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

TO FURNISH BOOKS AND OTHER MATERIALS TO HANDICAPPED PERSONS OTHER THAN THE BLIND

The Senate proceeded to consider the bill (S. 3093) to amend the acts of March 3, 1931, and October 9, 1962, relating to the furnishing of books and other materials to the blind so as to authorize the furnishing of such books and other materials to other handicapped persons which had been reported from the Committee on Rules and Administration, with an amendment, on page 2, line 10, after the word "competent", to strike out "medical"; 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 Act entitled "An Act to provide books for the adult blind", approved March 3, 1931, as amended (2 U.S.C. 135a, 135b), is amended to read as follows:

"That there is authorized to be appropriated annually to the Library of Congress, in addition to appropriations otherwise made to said Library, such sums for expenditure under the direction of the Librarian of Congress as may be necessary to provide books published either in raised characters, on sound-reproduction recordings or in any other form, and for purchase, maintenance, and replacement of reproducers for such sound-reproduction recordings, for the use of the blind and for other physically handicapped residents of the United States, including the several States, Territories, insular possessions, and the District of Columbia, all of which books, recordings, and reproducers will remain the property of the Library of Congress but will be loaned to blind and to other physically handicapped readers certified by competent authority as unable to read normal printed material as a result of physical limitations, under regulations prescribed by the Librarian of Congress for this service. In the purchase of books in either raised characters or in sound-reproduction recordings the Librarian of Congress, without reference to the provisions of section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), shall give preference to nonprofitmaking institutions or agencies whose activities are primarily concerned with the blind and with other physically handicapped persons, in all cases where the prices or bids submitted by such institutions or agencies are, by said Librarian, under all the circumstances and needs involved, determined to be fair and reasonable.

"SEC. 2. (a) The Librarian of Congress may contract or otherwise arrange with such public or other nonprofit libraries, agencies, or organizations as he may deem appropriate to serve as local or regional centers for the circulation of (1) books, recordings, and reproducers referred to in the first section of this Act, and (2) musical scores, instructional texts, and other specialized materials referred to in the Act of October 9, 1962, as amended (2 U.S.C. 135a–1), under such conditions and regulations as he may prescribe. In the lending of such books, recordings, reproducers, musical scores, instructional texts, and other specialized materials, preference shall at all times be given to the needs of the blind and of the other physically handicapped persons who have been honorably discharged from the Armed Forces of the United States.

"(b) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section."

SEC. 2. The Act entitled "An Act to establish in the Library of Congress a library of musical scores and other instructional materials to further educational, vocational, and cultural opportunities in the field of music for blind persons", approved October 9, 1962 (2 U.S.C. 135a–1), is amended to read as follows:

"That (a) the Librarian of Congress shall establish and maintain a library of musical scores, instructional texts, and other specialized materials for the use of the blind and for other physically handicapped residents of the United States and its possessions in furthering their educational, vocational, and cultural opportunities in the field of music. Such scores, texts, and materials shall be made available on a loan basis under regulations developed by the Librarian or his designee in consultation with persons, organizations, and agencies engaged in work for the blind and for other physically handicapped persons.

"(b) There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act."

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1343), explaining the purposes of the bill.

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

PURPOSE

S. 3093 would amend the acts of March 3, 1931, and October 9, 1962, relating to the furnishing of books and other materials to the blind so as to authorize the furnishing of such books and other materials to other handicapped persons. The national books-for-the-blind program, established by act of Congress in 1931, is administered at the Division for the Blind in the Library of Congress. It provides reading materials for the blind of the United States, its territories, and insular possessions, specifically books in raised characters (braille) and talking books (books in recorded form on disks or on magnetic tape), together with machines that can play these disks. The books are distributed to 32 cooperating libraries throughout the country, designated as "regional libraries," which assume responsibility for the custody and circulation of the materials to the individual readers within specific geographic areas.

Similarly, the machines are distributed to qualified blind readers by 54 State agencies for the blind. These reading materials are available for loan without charge (including free mailing privileges) to residents of the United States, its territories, and insular possessions, who have been certified as legally blind, according to regulations issued by the Librarian of Congress. The machines are also lent without charge.

It has been evident for some time that the reading needs of other physically handicapped persons who cannot read or use conventional printed books are not being met. It is estimated that there are almost 2 million persons in this country who cannot read ordinary printed material (including 400,000 blind persons) because of impaired eyesight or other physical factors which make them unable physically to manipulate these materials. S. 3093 would authorize the extension of the present benefits to this larger group of handicapped persons.

COMMITTEE AMENDMENT

The Committee on Rules and Administration has amended S. 3093 as follows:

On page 2, lines 10 and 11, strike out "medical".

S. 3093 as introduced would provide that its benefits be extended to the blind and to other physically handicapped persons certified by competent medical authority as unable to read normal printed material as a result of physical limitations.

The American Optometric Association has pointed out that the above provision could be construed to exclude certification by optometrists, although the Library of Congress accepts such certification under the present program. The committee amendment (striking the word "medical") would permit the Library, under regulations issued by the Librarian of Congress and published in the Code of Federal Regulations, to continue to accept certification by optometrists under the expanded program.

S. 3093 COMPLEMENTED BY H.R. 14050, TO AMEND AND EXTEND THE LIBRARY SERVICES AND CONSTRUCTION ACT

The committee has noted that the bill to amend and extend the Library Services and Construction Act, H.R. 14050, which was passed by the Senate on June 22, 1966, contains a provision in part B of title 4 for library services to the physically handicapped. A total of $25 million over a 5-year period is authorized to be appropriated for grants to the States on a national basis. This provision would make it possible for the States to have additional funds to support the present regional centers which distribute the talking books and books in braille and thus enable them to service the expanded program contemplated by S. 3093. It is estimated that approximately $1,500,000 in State and local funds is currently being expended to service blind readers with the reading materials being provided by the Library of Congress. Thus this provision in H.R. 14050 would complement the provisions of S. 3093. Not only would it insure that the current service to the Nation's blind readers would not suffer by extending the program to other physically handicapped individuals but actually it would strengthen that service. (See also excerpt from House report, below.)

EXCERPT FROM HOUSE REPORT ON COMPANION BILL

Additional pertinent information, on the background and cost of the expanded program proposed by S. 3093, excerpted from the report by the Committee on House Administration on H.R. 13783, a companion bill (H. Rept. 1600, 89th Cong.), is as follows:

"General background

"A hearing on this subject was recently conducted by the Subcommittee on Library and Memorials of the Committee on House Administration. Favorable testimony was received from a number of interested Members of Congress, the Librarian of Congress, representatives of the major national organizations for the blind, and interested organizations for the physically handicapped. It was the unanimous opinion of each of the witnesses that the Library's books-for-the-blind program should be extended and expanded to include those citizens of the United States who heretofore have been denied the privilege of reading books and magazines because of physical disability.

"The committee under no circumstances intends for the present library service to those blind individuals who are currently receiving books in braille and talking books to be diluted in any way because of the expansion of this program. The Librarian of Congress during the hearings stated: 'I would like to assure our blind friends that the Library of Congress, which started the national service to blind readers, does not intend that their interests shall suffer by extending the program to include other physically handicapped persons. On the contrary, as is the case when a public library serves a larger clientele, a broader spectrum of reading materials would be available, and with more groups concerned in the program, there should also be a broader base of support.'

"In regard to the provisions in the bill to give the Librarian of Congress authority to contract with certain libraries and agencies to serve as regional or local centers for the distribution of books and raised type and talking books, it was noted by the Librarian of Congress and other witnesses that some of the bills that are before the House and the Senate to extend the Library Services and Construction Act contain provision for grants on a matching basis to the States to provide for library services to the physically handicapped. It is the opinion of the committee that these provisions would complement H.R. 13783 and would, in no way, change the warm relationship that now exists between the regional centers for the distribution of books for the blind and the Library of Congress. The effect would be to improve existing centers and to establish new ones to distribute the materials provided by the Library of Congress to physically handicapped persons. In the event that a State plan for library service to the handicapped should prove deficient, the Librarian of Congress would have authority under H.R. 13783 to contract for or otherwise arrange with such libraries or other organizations as he may deem appropriate to serve as local or regional centers for the circulation of reading materials for the handicapped.

"Cost

"If the experience of the Library with the books-for-the-blind program is applicable, and it seems reasonable to assume that it would be, the number of participants in the books-for-the-handicapped program will increase gradually. All individuals who are eligible will not by any means enroll during the first year. It is estimated that for the first full year of operation some 20,000 might seek the service and that an increase of $1,500,000 over the current budget of $2,675,000 for the books-for-the-blind program would be necessary."

AMENDMENT TO PUBLIC LAW 85–935—NATIONAL AIR MUSEUM OF THE SMITHSONIAN INSTITUTION

The bill (H.R. 6125) to amend Public Law 722 of the Seventy-ninth Congress and Public Law 85–935, relating to the National Air Museum of the Smithsonian Institution 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. 1344), explaining the purposes of the bill.

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

PURPOSE OF H.R. 6125

H.R. 6125 would change the name of the National Air Museum of the Smithsonian Institution to the National Air and Space Museum, would grant the Smithsonian Institution the same functions with respect to space objects as it presently has with regard to aviation objects, and would authorize the construction of a National Air and Space Museum building.

In addition to the above purposes, provisions are included dealing with (1) increased membership on the museum's Advisory Board; (2) reimbursement of travel expenses of Board members; (3) increasing the quorum requirement for Board meetings; (4) application of the Classification Act to the salary of the Director of the museum; (5) permissive transfer of construction funds to the General Services Administration; and (6) availability of construction funds without fiscal year limitation.

EXCERPT FROM HOUSE REPORT

Additional pertinent information relative to the background and purpose of H.R. 6125, excerpted from the accompanying House report (H. Rept. 1042, 89th Cong.), follows:

"The enactment of legislation authorizing the construction of a suitable building to house the Nation's air and space collections has been a long-awaited event. The act of August 12, 1946, establishing the National Air Museum, included provisions for a method of selecting a site for a National Air Museum building to be located in the Nation's Capital. More recently, the act of September 6, 1958, designated the site for a building to be on the Mall from Fourth to Seventh Streets, Independence Avenue to Jefferson Drive SW. Planning appropriations in the amount of $511,000 and $1,364,000 were made available to the Institution by the Interior and Related Agencies Appropriation Acts for the fiscal years 1964 and 1965, respectively. The planning contract has been awarded to the architectural firm of Hellmuth, Obata & Kassabaum. Planning for the proposed museum building is well underway and will be completed within this fiscal year. * * *

"This museum will make possible for the first time a comprehensive presentation to the public of the notable exhibits comprising the Nation's air and space collections. It will also present the mathematics, physics, fuel chemistry, metallurgy, and broad engineering bases of aeronautics and space exploration. The educational and inspirational character of these exhibits will find a response in the interest and enthusiasm of American youth in air and space science. Only by the display of original aircraft and spacecraft from the national collections can the millions of visitors each year relive notable events in our national history, and gain an understanding of the underlying principles of science and technology which have made possible our achievements in this field.

"This great national historical museum will be one of the Nation's most important assets for the inspiration and education of the youth of America, and the prestige of the United States throughout the world. The proposed building is well designed for the exhibition of many of our most significant air and spacecraft, historic and scientific "firsts," together with a comprehensive array of engines, instrumentations, models, and reference publications and drawings. Exhibitions will be changed periodically, and a series of timely, special presentations will continually

be on display. The design feature provides excellent flexibility, and there will be no need for expansion in the future.

"The building as designed is of impressive proportions, as well it must be to accommodate the great number of tourists who visit the Capital City each year. It is confidently expected that over 50 million of our citizens from every State in the Union will visit this museum in the next decade. Attendance in the new Museum of History and Technology demonstrates that this figure is, in fact, a conservative estimate.

"* * * * *

"Sponsorship by Board of Regents and Approval by Interested Government Agencies

"H.R. 6125 is sponsored by the Board of Regents of the Smithsonian Institution, which includes in its membership Senators CLINTON P. ANDERSON, J. WILLIAM FULBRIGHT, and LEVERETT SALTONSTALL, and Representatives GEORGE H. MAHON, MICHAEL J. KIRWAN, and FRANK T. BOW.

In addition to the sponsorship of the Board of Regents, this legislation has the approval of the National Air Museum Advisory Board (composed of Maj. Gen. Brooke E. Allen, Vice Adm. William A. Schoech, Gen. James H. Doolittle, and Mr. Grover Loening), the National Capital Planning Commission, the Commission of Fine Arts, the Bureau of the Budget, the Department of Defense, the Federal Aviation Agency, and the National Aeronautics and Space Administration."

LETTER FROM SECRETARY OF THE SMITHSONIAN INSTITUTION

A letter in support of H.R. 6125 addressed to Senator B. EVERETT JORDAN, chairman of the Senate Committee on Rules and Administration, by S. Dillon Ripley, Secretary of the Smithsonian Institution, is as follows:

"SMITHSONIAN INSTITUTION,
"Washington, D.C., February 9, 1966.

"Hon. B. EVERETT JORDAN,
"Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

"DEAR SENATOR JORDAN: The Smithsonian Institution fully endorses the provisions of H.R. 6125, to amend Public Law 722 of the 79th Congress and Public Law 85–935, relating to the National Air Museum of the Smithsonian Institution, and recommends that this legislation be approved by the Senate. H.R. 6125 passed the House, without amendment, on February 7, 1966, and was referred to the Committee on Rules and Administration on February 8. This legislation, except for minor changes in punctuation, is identical to S. 94, introduced by Senator ANDERSON on behalf of the Smithsonian Board of Regents on January 6, 1965. The Smithsonian's favorable report on S. 94 was transmitted to Senator PELL, chairman of the Subcommittee on the Smithsonian Institution, of your committee, on March 11, 1965.

"If your committee should decide to approve this legislation on the basis of its findings during the 88th Congress, as expressed in Senate Report 1232 of July 22, 1964, the Smithsonian would be indeed gratified. You will recall that the Senate passed a virtually identical bill to H.R. 6125 (S. 2602 of the 88th Cong.) on July 23, 1964.

"We shall be pleased to furnish additional information on this legislation should you feel that this would be necessary.

"The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

"Your continuing interest in the Smithsonian Institution is deeply appreciated.

"Sincerely yours,

"S. DILLON RIPLEY,
"Secretary."

ESTIMATED CONSTRUCTION COST

The total estimated construction cost of the proposed National Air and Space Museum which would result from the enactment of H.R. 6125 is $40,045,000. By letter dated May 13, 1965, addressed to Senator B. EVERETT JORDAN, chairman of the Committee on Rules and Administration, S. Dillon Ripley, Secretary of the Smithsonian Institution, gave assurances that the Institution would not seek appropriations for construction in the current session of the 89th Congress, but would defer consideration of this phase of the project until next year. The text of Secretary Ripley's letter follows:

"SMITHSONIAN INSTITUTION,
"Washington, D.C., May 13, 1966.

"Hon. B. EVERETT JORDAN,
"Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

"DEAR MR. CHAIRMAN: I am most grateful for your careful consideration of the bill (H.R. 6125) which would authorize construction of the National Air and Space Museum of the Smithsonian Institution, now pending before the Committee on Rules and Administration.

"On behalf of the Smithsonian Institution, I am writing to confirm my earlier assurances to you that we would not request the Congress during this session to consider appropriating funds to begin construction.

"Should the project be authorized by Congress during this session, the question of requesting an appropriation to begin construction will be held over for consideration next year, in the 90th Congress.

"Sincerely yours,

"S. DILLON RIPLEY,
"Secretary."

In reporting favorably on H.R. 6125, the Committee on Rules and Administration noted with satisfaction the letter of May 13, 1966, from Secretary Ripley, giving assurances that funds would not be requested in this session of Congress pursuant to the authorization in H.R. 6125. The committee expressly recommends that funding for the National Air and Space Museum should be deferred even further, if need be, and that appropriations should not be requested pursuant to H.R. 6125 unless and until there is a substantial reduction in our military expenditures in Vietnam.

SECTION-BY-SECTION ANALYSIS OF H.R. 6125

Section 1. Cites the act as "the National Air Museum Amendments Act of 1965."

Amendments to Public Law 722, 79th Congress

Section 2. Changes the name of the National Air Museum to the National Air and Space Museum. Increases the membership of the Museum Board. As increased, the membership of the Board consists of the Chief of Staff of the Air Force, Chief of Naval Operations, Chief of Staff of the Army, Commandant of the Marine Corps, Commandant of the Coast Guard, Administrator of the National Aeronautics and Space Administration, Administrator of the Federal Aviation Agency, Secretary of the Smithsonian Institution, and three citizens appointed by the President.

Provides that members of the Board shall serve without compensation, but will be reimbursed for official travel expenses.

Section 3. Would change reference from National Air Museum to National Air and Space Museum.

Provides that the Secretary of the Smithsonian Institution, with the advice of the Board, may appoint and fix the compensation and duties of the head of the museum and such appointment shall not be subject to the civil service laws.

Section 4. Would amend section 2 of Public Law 722 to include in the stated purpose of the museum, reference to space and to space flights in addition to purely aeronautical pursuits, equipment, data, and so forth.

Section 5. Would repeal section 3 of Public Law 722 which pertains to a museum site.

Section 6. Would amend section 4(a) of Public Law 722 to establish that six members of the Board shall constitute a quorum.

Section 7. Would amend section 4(b) of Public Law 722 by changing "National Air Museum" to "National Air and Space Museum." Under section 4(b) it is provided that a statement of operations of the museum, including all public and private moneys received and disbursed shall be included in the annual report of the Smithsonian Institution.

Section 8. Amends Public Law 722 to embrace the loan or transfer of spacecraft and related equipment in addition to aircraft and aeronautical equipment. Extends authority of this section to include independent agencies as well as executive departments.

Section 9. Would amend section 5(b) of Public Law 722 by changing "National Air Museum" to "National Air and Space Museum." Under section 5(b) the Secretary of the Smithsonian Institution is authorized to accept as a gift a statue of Brig. Gen. William L. Mitchell, and, without expense to the United States, cause the statue to be placed on museum grounds.

Section 10. Would amend section 6 of Public Law 722 by changing "National Air Museum" to "National Air and Space Museum." This section authorizes the appropriations of such sums as may be necessary to maintain and administer the museum, including salaries.

Section 11. Provides that payments of compensation heretofore made to the head of the National Air Museum at rates fixed by the Secretary of the Smithsonian Institution without regard to the Classification Act of 1949, as amended, are hereby ratified and confirmed. (See detailed explanation of sec. 11, below.)

Amendment to Public Law 85–935

Section 12. Would amend section 1 of Public Law 935 to grant the Regents of the Smithsonian Institution specific authorization to construct a suitable building for the museum on a site bounded by Fourth Street SW., on the east, Seventh Street SW., on the west, Independence Avenue, on the south, and Jefferson Drive, on the north.

Section 13. Would amend section 4 of Public Law 935 to provide that appropriations for the purposes of that act may, rather than shall, be transferred to the General Services Administration for the performance of the work.

Would add the following provision to section 4:

"When so specified in the pertinent appropriation act, amounts appropriated under this authorization are available without fiscal year limitation."

DETAILED EXPLANATION OF SECTION 11

A detailed explanation of section 11 of H.R. 6125, excerpted from the accompanying House report (H. Rept. 1042, 89th Cong.), is as follows:

"This section, providing that payments of compensation made to the Director of the National Air Museum without regard to the Classification Act of 1949 are ratified and affirmed, is needed due to a ruling of the Civil Service Commission that the Smithsonian Institution lacked authority to compensate the former Director beyond the highest level of pay authorized for a grade GS–15.

"Section 1(b) of Public Law 722 of the 79th Congress, establishing the National Air Museum, provided that:

" 'The Secretary of the Smithsonian Institution with the advice of the board may appoint and fix the compensation and duties of the head of a national air museum whose appointment and salary shall not be subject to the civil service laws or the Classification Act of 1923, as amended.'

"As carried in the United States Code this provision currently reads as follows:

" 'The Secretary of the Smithsonian Institution with the advice of the board may appoint and fix the compensation and duties of the head of a national air museum whose appointment shall not be subject to the civil service laws.'

"The Smithsonian Institution, relying on the current statutory language authorizing it to appoint a Director of the National Air Museum without regard to the civil service laws, fixed the salary of the former Director of the National Air Museum at the grade GS–18 level during 1963 and 1964. The Civil Service Commission has since ruled that the Smithsonian Institution's authority to appoint the Director without regard to the civil service laws does not include authority to fix the salary of this position without regard to the Classification Act of 1949. It is the view of the Civil Service Commission that the passage of the Classification Act of 1949 modified section 1(b) of Public Law 722 of the 79th Congress to this extent. According to the Commission the Classification Act of 1949, by not specifically exempting the position of Director of the National Air Museum from its coverage, repealed those portions of section 1(b) authorizing the Smithsonian Institution to fix the salary of the Director without regard to the Classification Act. By subjecting this position to the Classification Act, the Smithsonian Institution is without authority to fix the salary of the position beyond the top step of a grade GS–15. The Civil Service Commission, however, is authorized to place Classification Act positions in the supergrades GS–16, 17, and 18 levels. The Commission shortly after its ruling classified this position at the grade GS–17 level.

"Informal advice from the Comptroller General is that statutory language ratifying payments to the former Director of the National Air Museum in excess of the top step of a grade GS–15 would be most desirable in view of the ruling of the Civil Service Commission that the position is subject to the Classification Act of 1949. This will obviate any possible claims against the retired Director for salary payments made in 1963–64 at the GS–18 level. These payments were made by the Smithsonian Institution in good faith in reliance on the current language of the United States Code, which it considered to be sufficient authority to compunsate the former incumbent of this position at that salary level."

MODIFICATION OF DUTIES OR OTHER IMPORT RESTRICTIONS

The concurrent resolution (S. Con. Res. 100) to express the sense of Congress with respect to certain agreements which would necessitate the modification of duties or other import restrictions was announced as next in order.

Mr. JAVITS. Mr. President, I desire to enter a protest against this measure. I realize that it was reported unanimously by the committee. I also realize that it would be a vain act to attempt to block the adoption of the concurrent resolution and to require a full-dress debate on the subject.

However, I have been watching these trade matters for a considerable period of time. I have fought in the Senate against efforts to engage in activities of a legislative character which would hobble the opportunity for freeing international trade. I cannot let the resolution go by, notwithstanding that it is on the Consent Calendar and that I shall not require a full-dress debate on it, without recording myself in the negative, which I shall do when the vote is called for.

Mr. President, we attempt to do a monumental job in the Kennedy round of tariff negotiations. I was recently in Geneva and conferred with the chief American negotiators, I had luncheon with the heads of many of the delegations with whom we are negotiating.

In my opinion, it is a mistake on our part to inhibit our negotiators from even discussing or negotiating what could be a very important aspect of total trade negotiations and which would result in the bringing of more benefits to the United States in expanded international trade than we would lose in the event that we should—because we thought the deal was a very good one—decide that we would yield on the American selling price idea which we seek to preserve absolutely in the pending concurrent resolution.

Mr. President, I do not believe that sense resolutions of Congress are light matters, to be tossed aside, and to which we need pay no attention. I believe Congress is entitled to the most august regard from the executive department. If the pending sense of Congress resolution should be agreed to by both Houses of Congress—it is a concurrent resolution—I would expect our negotiators, even if I were opposed to it, to pay strict and serious attention to it, because I believe that more important than the merits of the proposition is the dignity of Congress.

Notwithstanding that the Trade Expansion Act now may not cover this kind of negotiation, I believe it is a great mistake to hobble our negotiators, who have an opportunity for striking a great blow for freer world trade, trade which is of inestimable benefit to us in every sphere, both as to our domestic economy and as to our foreign policy. It is a mistake to inhibit them in this way and to serve notice to the other negotiators that we are inhibiting them.

Therefore, Mr. President, I desire to protest the pending measure. I believe it is unwise. We are unnecessarily hobbling the Kennedy round.

The 5-minute rule is in effect during the consideration of this measure; otherwise I would not be speaking at all, so I shall take my 5 minutes. I shall vote "no" on the concurrent resolution. The measure would be counterproductive, and would only be a note of discouragement in the GATT negotiations, which are already thick with discouragements.

I hope that in the other body the concurrent resolution may have consideration perhaps of a different character, even by those who may believe, in the first instance, that what is proposed is a wise and desirable thing to do. From viewing the situation on the ground, I do not believe we are acting in a way that is conducive to our own best interests by limiting our negotiators in this kind of public notice, for we are putting a limit upon their capability to negotiate freely.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

Mr. WILLIAMS of Delaware. Mr. President, Senate Concurrent Resolution 100 is virtually identical to Senate Concurrent Resolution 83, which I cosponsored on March 21 of this year. This resolution urges the President not to exceed the authority Congress delegated to him in the Trade Expansion Act of 1962 in his dealings with other countries during the current trade negotiations.

It is unfortunate that a resolution of this sort has become necessary. For more than 30 years it has been our policy to give the President whatever trade negotiating authority he has needed and to support him generally in trade matters. Recently, indications have come to us that the President may abandon the rules and offer concessions where he has no prior delegated authority. Our negotiators in Geneva right now are talking about eliminating the American selling price method of valuation. Governor Herter, who is our chief negotiator, knows there is no authority under the Trade Expansion Act to do this, yet they are doing it anyway. Antidumping is another area where negotiations without authority may be undertaken.

The Constitution confers upon Congress the power to lay duties. If the President succeeds in negotiating first and then insisting on the legislation necessary to carry out his tariff concessions, the Constitution will become meaningless. Congress has a responsibility to look after its own interests and to protect its constitutional prerogatives. Senate Concurrent Resolution 100 is an expression of our intent to do just that.

Mr. JAVITS. Is it not fair to say that the pending measure does more than that?

I know that it will be agreed to, and I have recorded my "No" on it. But is it not fair to say that it expresses the sense of Congress that we are against that kind of negotiation? If the law does not allow it, it can still be negotiated as a treaty or trade agreement, and it can be brought to Congress for approval. But by agreeing to the concurrent resolution, the Senate is declaring itself against that kind of negotiation. That is my point, and it is something to which I do not wish to be a party.

In this connection I wish to call attention to a memorandum prepared by the Office of the Special Representative for Trade Negotiations explaining the position of that office regarding the issue of the American selling price. That memorandum makes clear that no decision has yet been made to offer the modification of American selling price in the Kennedy round, that the President has existing authority to negotiate on this subject but not to modify American selling price and that if an agreement should be negotiated on American selling price Congress will not be presented with a fait accompli.

I ask unanimous consent to insert in the RECORD a copy of that memorandum which was prepared at the request of the Senator from Illinois [Mr. DOUGLAS].

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

POSITION OF THE OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS REGARDING THE ISSUE OF THE AMERICAN SELLING PRICE SYSTEM

1. ASP IS A SPECIAL BASIS OF CUSTOMS VALUATION

Section 402 of the Tariff Act of 1930 provides three alternative methods of customs valuation for purposes of computing ad valorem rates of duty on most imported products. The preferred method of valuation is known as "export value", i.e., the wholesale price of the imported product offered in arm's-length transactions in the country of origin. If "export value" cannot be determined, the next method of valuation is "U.S. value", i.e., the wholesale price of the imported product in the United States, less such elements as profit, duty, and transportation costs, in order to approximate "export value". If "U.S. value" cannot be determined, the final method of valuation is "constructed value", i.e., an estimate of what "export value" would be based upon the cost of the product in the country of origin.

These three normal methods of valuation do not apply to four groups of imported products: benzenoid chemicals, rubber-soled footwear (such as sneakers), canned clams, and certain wool-knit gloves.

With respect to benzenoid chemicals, since the early 1920's the tariff law has provided that any imported benzenoid chemical which is competitive with a similar domestic product shall be valued on the basis of the American selling price (ASP), i.e., the wholesale price, of the domestic product. If the imported benzenoid chemical is not competitive, it is to be valued, first, on the basis of U.S. value and, if this cannot be determined, then export value or constructed value.

With respect to rubber-soled footwear, canned clams, and wool-knit gloves, Presidential proclamations issued in the 1930's on the basis of Tariff Commission reports provide that any such imported product which is similar to a domestic product shall be valued on the basis of the ASP of the domestic product. If the imported product is not similar to any domestic product, it is to be valued on the basis of the normal methods of valuation.

Of the four categories of products subject to the ASP system, only the first two are significant in trade terms, with imports of competitive benzenoid chemicals valued at approximately $25 million per year and imports of competitive rubber-soled footwear valued at somewhat less per year.

2. ASP IS AN IMPORTANT ISSUE INTERNATIONALLY AND ESPECIALLY IN THE KENNEDY ROUND

The use of the ASP system has long been criticized by other countries, primarily on the following grounds. First, the ASP system is inconsistent with the customs practice of all our trading partners with respect to non-agricultural goods. Second, the ASP system would be in violation of the standards of customs valuation laid down by the General Agreement on Tariffs and Trade (GATT) but for the fact that the use of the ASP system antedated U.S. adherence to the GATT and was made permissible under a "grandfather" clause in the GATT. Third, the ASP system permits the domestic manufacturer to adjust the protection afforded by the rate of duty by adjusting the price of his product. Fourth, an exporter of a product potentially subject to the ASP system cannot, at the time of exportation, know whether that product will be subject to ASP nor what the ASP will be until it has passed through customs.

In the Kennedy Round, the other participants regard the ASP system as one of the most serious import restrictions maintained by the United States and they are pressing the United States to modify the ASP system. Both the EEC and the U.K. have made modification of the ASP system as it affects benzenoid chemicals a precondition for concessions in their own tariffs on chemical products. Moreover, Japan has laid special stress upon the need to modify the ASP system as it relates to rubber-soled footwear.

3. NO DECISION HAS BEEN MADE TO OFFER THE MODIFICATION OF ASP IN THE KENNEDY ROUND

On March 12, 1966, in Italy and again on March 16, 1966, in West Germany Ambassador Blumenthal stated that "the United States is prepared to negotiate on ASP in the Kennedy Round". Ambassador Blumenthal's statement has unfortunately been misinterpreted as an indication that the United States has decided to offer the modification of the ASP system in the Kennedy Round. This is not the case. Ambassador Blumenthal's statement said no more than the United States has been saying since the Kennedy Round began. This is that the United States is prepared to consider and talk about any trade issue which our negotiating partners wish to raise with respect to either industrial or agricultural products, and we expect them to do the same. In this context, the word "negotiate" is in fact synonymous with the word "discuss".

Only the President can decide whether or not the United States should offer a concession on the ASP system in the Kennedy Round. The President will not make such a decision until exploratory discussions in Geneva afford some basis for determining what kinds of reciprocal concessions the United States might obtain from the other countries, and until the domestic industries concerned, as well as all other interested persons, have had a full opportunity to express their views on both the accuracy and the economic impact of a conversion of the present rates of duty based on ASP.

4. THE PRESIDENT HAS EXISTING AUTHORITY TO NEGOTIATE BUT NOT TO MODIFY ASP

Two separate issues are involved in any consideration of the President's negotiating authority regarding the ASP system.

The first issue is whether the President now has the authority to modify the ASP system pursuant to a trade agreement. The President could not do so without a statutory delegation of Congressional authority, and no such authority is presently available to the President, either under the Trade Expansion Act of 1962 or any other existing legislation. Thus, a comprehensive conversion of ASP rates, whether or not pursuant to a trade agreement, could be accomplished only by Congressional action.

The second issue is whether the President can enter into a trade agreement providing for the modification of the ASP system, subject to a subsequent grant of Congressional authority to permit the agreement to be implemented. Under the Constitution, the President's authority regarding the conduct of foreign relations clearly permits him to negotiate and conclude such an agreement.

In this regard, Senate Concurrent Resolution 83 is to be regretted, because it seeks to cast doubt on the President's clear Constitutional authority to negotiate and conclude an agreement subject to subsequent action by the Congress. Senate Concurrent Resolution 83 therefore raises a false issue and by doing so in no way assists the United States in the Kennedy Round but only serves to obscure an already complex problem.

5. CONGRESS WILL BEST BE ABLE TO ASSESS THE MERITS OF ANY AGREEMENT MODIFYING ASP AFTER, RATHER THAN BEFORE, IT IS NEGOTIATED

It has been suggested that, if there is any likelihood of an agreement providing for the modification of the ASP system in the Kennedy Round, the President should seek authority to implement such an agreement before it is negotiated. In our view, Congress will best be able to assess the merits of any agreement modifying the ASP system, after, rather than before, it is negotiated.

If any agreement is finally concluded, the Congress will be able to assess with considerable certainty the impact of the agreement on the domestic industries concerned, since the proposed modification of the ASP system, including any tariff reductions, will be set out in such agreement. But if the President were to request authority from the Congress to modify the ASP system before any agreement were concluded, he would need flexible authority to carry out effective bargaining. The Congress, in considering such a Presidential request, could not gauge the impact on the domestic industries as clearly or as concretely as if an agreement had been concluded.

Moreover, prior to the conclusion of any agreement, there would be no firm indication of what counterconcessions other countries would be prepared to offer in return for a concession on the ASP system. As a result, if the Congress were to consider legislation providing for the conversion of the ASP system in this session, it could do so only in terms of abstract issues, with no meaningful information concerning particular offers of counterconcessions.

In short, if any agreement providing for the modification of the ASP system is concluded in the Kennedy Round, the Congress would be in a position to explore in detail all aspects of the agreement and to assess its merits comprehensively. In the first place, it would have before it a final set of converted rates and therefore be able to judge their adequacy in terms of specific products and their impact on the domestic industries concerned. In the second place, the agreement would contain a precise statement of the counterconcessions on particular products which other countries were prepared to grant. The Congress could then inquire into and appraise the agreement not as an abstract issue but in terms of the trade interests of the United States.

6. IF AN AGREEMENT SHOULD BE NEGOTIATED ON ASP, CONGRESS WILL NOT BE PRESENTED WITH A FAIT ACCOMPLI

In contemplating the possibility that an agreement involving a concession on the ASP system is concluded in the Kennedy Round, the important question is whether the Congress would be presented with a *fait accompli* and would have no choice but to enact the necessary implementing legislation. This should not be the case for the following reasons.

First, the Congress would be kept fully informed at every step. Before a decision is made whether or not to offer a modification of the ASP system, two public hearings will be held. This will permit the Congress as well as interested private parties to consider the issues regarding any possible modification of the ASP system. Moreover, before a decision is made, the Congressional Delegates to the Kennedy Round will be able to observe the progress of the exploratory discussions in Geneva, as one of the Congressional Delegates did at the first meeting early in May. In addition, the Congressional Delegates will also have an opportunity to follow the conduct of any negotiation concerning ASP.

Second, the Congress would be free to accept or to reject any agreement concerning

the ASP system on the basis of its individual merits. The United States has already made it abundantly clear and will continue to emphasize that the Congress would, in effect, have to approve any agreement involving the ASP system, and that it would do so only if such an agreement provided mutual and equivalent benefits. Moreover, it is clearly understood that any such agreement will be separate and distinct from the overall Kennedy Round agreement. Therefore, in considering whether to enact the necessary implementing legislation, the Congress would be able to appraise any agreement on its individual merits, without getting enmeshed in the rest of the Kennedy Round.

For these reasons, if an agreement involving the ASP system were negotiated and concluded in the Kennedy Round, at every step of the way the Congress would be fully informed and would be able to consider implementing legislation without being faced with a choice of either approving or disapproving the overall trade agreement emerging from the Kennedy Round.

7. TWO PUBLIC HEARINGS WILL BE HELD SO THAT ALL ASPECTS OF ANY CONCESSION ON ASP MAY BE PUBLICLY AIRED

On June 8, 1966, the Tariff Commission will hold a public hearing on the basis of the preliminary converted rates which it published on May 2, 1966. This will permit the domestic industries concerned, as well as importers and others, to comment on the accuracy of these preliminary conversions and to probe all the technical problems which such conversions entail.

Some time in September a second public hearing will be held on the basis of the final converted rates proposed by the Tariff Commission. The purpose of this second public hearing will be to permit all interested persons to speak to the economic impact of substituting the new converted rates for the present ASP rates and of a possible 50% reduction in such new rates. In the winter of 1963–1964, the Tariff Commission and the Trade Information Committee held hearings at which the domestic industries concerned with ASP spoke to the economic impact of reducing the present ASP rates by 50%. Prior to any offer concerning the ASP system, the domestic industries, in particular, should obviously be given an opportunity to speak to the economic impact of eliminating the ASP system as a system and reducing the new rates by 50%.

By virtue of these two hearings, the domestic industries and all other interested persons will have a full and fair opportunity to present their views on the important aspects of any possible concession on the ASP system. The President will make no decision to negotiate on this matter until such hearings have been completed and the results have been fully analyzed.

8. A MERGER OF THE TWO TARIFF COMMISSION STUDIES INVOLVING ASP IS NEITHER DESIRABLE NOR POSSIBLE

The Tariff Commission is presently conducting two investigations which involve the ASP system. First, pursuant to the President's request which was transmitted by this Office on December 23, 1965, the Tariff Commission is preparing a conversion of existing rates based upon the ASP system to new rates based on normal methods of valuation which will yield approximately the same amount of duty. On May 2, 1966, it published a list of preliminary converted rates and, after a public hearing, is expected to submit the final list of converted rates to the President in the latter part of July. Second, pursuant to a request of the Senate Finance Committee made on February 9, 1966, the Tariff Commission is studying all methods of valuation, including the ASP system, used by the United States and by the principal trading partners of the United States. It is to submit a preliminary report on June 30, 1966, and a final report on February 28, 1967.

It has been suggested that no action should be taken on ASP in the Kennedy Round until the Tariff Commission has not only completed the study requested by the President but has also finished the investigation requested by the Senate Finance Committee. This suggestion is unsound for two reasons.

First, it does not appear that anything would be gained by a merger of the two studies. The ASP system is quite separate and distinct within the overall U.S. system of customs valuation. It is restricted by law to only four categories of products—benzenoid chemicals, rubber-soled footwear, canned clams, and certain wool-knit gloves. Together, these products account for a well-defined and relatively small proportion of total imports into the United States. In addition, the general characteristics of the ASP system are well known and have been the subject of proposals by the Executive Branch and groups outside the U.S. Government for a number of years. Moreover, it is certainly feasible for the Tariff Commission to convert rates of duty based on ASP without in any way being required to make a general investigation of U.S. methods of customs valuation or those of other countries. Finally, it is not clear that the overall study requested by the Senate Finance Committee would be at all improved by including within it the narrow and special task of converting ASP rates.

Second, and perhaps more importantly, if there is to be any negotiation on the ASP system, it will certainly have to take place well before February of 1967, when the Tariff Commission must submit its final report to the Senate Finance Committee. Given the present time schedule of the Kennedy Round, which is becoming increasingly tight, the President must be in a position to decide whether or not to negotiate on the ASP system no later than early fall. Indeed, if the Kennedy Round is to be concluded within the time presently allowed by the Trade Expansion Act of 1962, the multilateral trade agreement must be substantially worked out by February of 1967, in order to allow the necessary time in which to record the numerous and complex concessions and to permit all the countries concerned to obtain final approval from their governments. Thus, simply as a matter of timing, it would be out of the question to postpone any possible negotiation until after the completion of the study requested by the Senate Finance Committee.

9. THE DISCUSSIONS IN GENEVA ON ASP ARE PURELY EXPLORATORY AND IN NO WAY CONSTITUTE NEGOTIATIONS

In Geneva on May 3, 1966, in a special group dealing with chemicals, the United States began to discuss the ASP system as it relates to benzenoid chemicals, and to explore the possibility of offering a concession on the ASP system which would take the form of a conversion of rates based on ASP to equivalent rates based on normal methods of valuation.

These discussions were begun because it was concluded that, by beginning an exploratory discussion of the possibility of converting ASP rates, the United States can achieve two significant objectives. First, the United States can demonstrate that it is indeed prepared to discuss in considerable detail what some regard as a significant trade barrier, thereby strengthening its ability to ask the same of other countries. Second, and more importantly, the United States can succeed in shifting the debate on ASP and ask other countries what they would be prepared to offer as counterconcessions for any such concession on the ASP system. This should reveal how significant the ASP system really is to the Europeans, insofar as it relates to benzenoid chemicals.

At the same time, these discussions will not prejudice in any way a final decision on the ASP system with respect to benzenoid chemicals or any other product. At the meeting in Geneva which began on May 3, 1966, Ambassador Blumenthal made a number of points in this regard. He stated to our negotiating partners that any discussions at this stage are purely an exploration of what might be feasible. He made it clear that they are in no way to be taken as constituting a formal offer on the part of the United States, or even a commitment to make such an offer at some future date. He also emphasized that the conversions under discussion are wholly tentative and subject to change, and that any comments on the accuracy of such conversions should be addressed solely to the Tariff Commission. Moreover, he stressed the fact that the technique of converting ASP rates is the exclusive task of the Tariff Commission and is not to be the subject of negotiation in Geneva. Finally, Ambassador Blumenthal stated that any comprehensive conversion of the ASP system would have to be submitted to the Congress for its approval, and that our trading partners must be willing to specify significant offers before the United States will decide whether or not to offer a concession on ASP.

10. IN ANY NEGOTIATION ON ASP THE UNITED STATES WOULD SEEK CONCESSIONS OF BENEFIT TO THE DOMESTIC INDUSTRIES DIRECTLY CONCERNED

If the United States should offer a concession on the ASP system in the Kennedy Round, it will seek reciprocal concessions of benefit to the domestic industries directly concerned with ASP. This has already been made clear to all countries with respect to benzenoid chemicals. Ambassador Blumenthal has emphasized that, if the United States were to negotiate on the ASP system, the Europeans in particular would have to make significant offers of concessions with respect to chemicals.

With respect to rubber-soled footwear, on the other hand, the domestic industry apparently does not believe that any concessions granted to the United States on such products would be of any value to it. This does not mean, however, that for this reason alone the United States should refrain from negotiating on the ASP system as it affects rubber-soled footwear. It is not and has never been U.S. policy in any trade negotiation to exchange tariff concessions only on identical items. The purpose of the Kennedy Rounds, like all the trade negotiations which preceded it, is to achieve a significant liberalization of world trade, on the ground that this serves the national interest. Any negotiation which was based on a principle of article-for-article reciprocity would yield very meager results. Thus, it is possible that the United States might negotiate a concession on the ASP system as it relates to rubber-soled footwear in exchange for concessions which would benefit other industries which markets in the foreign country or countries concerned.

It should be emphasized, however, that a decision whether or not to offer a concession on the ASP system as it relates to rubber-soled footwear, or any other product, would be made only after the most careful analysis of the economic impact of such a concession. In particular, it is clear that the recent decision of the Department of the Treasury concerning the determination of ASP as it relates to rubber-soled footwear constitutes a unilateral tariff reduction. Special consideration would be given to this factor before any final decision was made

with respect to rubber-soled footwear in the Kennedy Round.

11. THE BASIC QUESTION WITH RESPECT TO ASP IS NOT ASP ITSELF BUT THE PROTECTION IT AFFORDS

In our view, the ASP system should be considered in terms of its protective effect and the needs of the domestic industries concerned, and not in terms of the alleged sanctity of the system as such.

Accordingly, the Tariff Commission has been asked to devise new rates of duty based on normal methods of valuation which will yield an amount of duty approximately equivalent to that provided by the present rates of duty based on ASP. Following publication of the final rates proposed by the Commission, a public hearing will be held with respect to the economic impact on the domestic industries of such a modification of the ASP system and the possible reduction of the new rates by 50%.

This procedure is designed to achieve the widest possible exploration of the basic issue regarding the ASP system—its protective impact and the needs of the domestic industries. Such exploration will, we believe, dispel much of the rhetoric regarding the ASP system and permit reasoned consideration of the trade interests of the United States.

Mr. WILLIAMS of Delaware. The report of the Senate Finance Committee outlines very clearly the reasons why it is so important that this resolution be adopted. For the information of the Senate I read from that report:

Reasons for the resolution.—The Committee on Finance has been pleased with the operation over the years of Congress partnership with the President in foreign trade matters. Long experience convinces us that arming the President in advance with tariff-cutting authority is the most effective means of achieving fair and equitable expansion of trade in the free world. Under this historical procedure, Congress, which is constitutionally vested with sole power to lay duties (art. 1, sec. 8), may weigh the merits of tariff reductions and the extent of contemplated concessions uninhibited by the international implications of a failure to implement obediently a trade agreement already negotiated by the President. It may similarly consider the circumstances under which adjustment assistance is appropriate.

The Committee on Finance has been disturbed over reports that the current Kennedy round of tariff negotiations may be broadened to include U.S. offers of concessions with respect to matters for which there is no existing delegated authority. In the committee's view, this would violate the principles which have made our reciprocal trade program so successful for more than three decades.

It has been reported that one area in which our negotiators may offer concessions concerns the American selling price method of valuation, which is part of the tariff determination process with respect to canned clams, and certain knit gloves, and more importantly, rubber-soled footwear (principally of the sneaker type) and benzenoid chemicals, the so-called coal tar products. Our negotiators concede that no delegation of authority exists, either under the Trade Expansion Act of 1962 or any other existing legislation, to modify the American selling price system pursuant to a trade agreement.

Another area may involve the treatment of "dumped" goods by the country in which the dumping occurs. This problem concerns unfair trade practices in a domestic economy and it is difficult for us to understand why Congress should be bypassed at the crucial policymaking stages, and permitted to participate only after policy has been frozen in an international trade agreement.

Congress has been no less forward-looking than the executive branch in trade matters and any action by our negotiators which tends to subordinate and degrade the important congressional role should not be condoned and will be resisted. The committee recognizes that our Constitution empowers the President alone to enter into international agreements and treaties. We do not question the legality of an agreement involving a trade matter for which no prior authority has been delegated. Our concern is that the experience gained over more than 30 years of a working partnership between the Congress and the Chief Executive may be set aside. It is this concern that moves us to protect the congressional role. We hope our negotiators will understand the great wisdom of confining their activities to those areas in which they have been authorized by Congress to proceed.

Mr. RIBICOFF. Mr. President, the issue before us is a simple one. That issue is the role of Congress in setting trade and tariff policy.

The genius of our constitutional system is that it separates executive and legislative power and provides for two coequal branches of Government. This is a great strength of our Nation and it should not be diminished. However, if the system is to work effectively, both branches must fully exercise their constitutionally assigned functions.

The establishment and review of our national trade policy is a basic responsibility of the Congress. The raising or lowering of tariffs is a legislative function, just as the imposition of other taxes is a legislative function.

The national policy of the United States since 1934 has been a continued expansion of international trade by the application of the most-favored-nation principle. The enactment by the Congress of the Trade Agreements Act of 1934 specifically provided for the extension of unconditional most-favored-nation treatment which has presumably been a cornerstone of our trade policy ever since. It is this legislation which put this country on a trade policy which led directly to the Trade Expansion Act of 1962 and our participation in the Kennedy round of the GATT negotiations at Geneva.

The Trade Expansion Act of 1962 illustrates the excellence of the cooperative system evolved by the legislative and executive branches. The Congress in advance delegates broad authority to the President to reduce tariffs for the purpose of expanding trade. In debating the amount of authority to be delegated and the areas covered by the delegation of authority, the Congress can fully explore and consider the issues involved. It can give full consideration and debate the effect of possible changes on the American economy, American industry, and American jobs. It can fulfill its role as representatives of the American people.

On the other hand, the executive branch is also better able to fulfill its responsibilities. With authority delegated in advance, it can operate freely in its negotiations. It can negotiate with full assurance that it has congressional approval. It can negotiate responsibly and with confidence that it can fulfill its commitments.

This has been our trade policy since 1934. It has adapted itself well to the changing world. It has reduced tariff barriers, expanding world trade. It has led directly to the Kennedy round. This resolution endorses this policy and has my full support.

I emphasize that there is no constitutional issue involved here. This resolution in no way infringes upon any power with the President. It simply endorses the principles upon which the Kennedy round is based.

To abandon these principles, I strongly believe would be most unwise. If our policy were to change so that negotiations were carried forward without prior legislative authority, benefits to both branches of the Government would be lost. Our negotiators would carry on discussions seriously affecting domestic affairs without congressional guidance. Further, the Senate, and the Congress as a whole, would be foreclosed from any objective consideration of the issues on their own merits. It would be placed in the position of either rubberstamping the agreement reached or repudiating the President. Independent, responsible consideration by the Congress would be foreclosed. Our negotiators at Geneva have already unwisely embarked on such a course. The Trade Expansion Act of 1962 gives broad authority for across-the-board tariff cuts of 50 percent. In some cases it provides authority for the complete elimination of tariffs.

It does not, however, give authority to negotiate methods of valuation. Ability to change methods of valuation would completely undercut the 50-percent limitation. Still, in the first week of May of this year, our representatives in Geneva opened negotiations on the American selling price method of valuation. In so doing they further diminished the role of Congress and precluded the responsible debate and consideration of this controversial issue. They also circumvent the safeguards to American industry which Congress wrote into the Trade Expansion Act.

The Office of the Special Representative for Trade Negotiations had every opportunity to ask legislative authority to open up this new area to Kennedy round discussions. In fact, when the tariff bill was being considered in the Senate last August, that office asked me to sponsor an amendment to the bill removing the American selling price method of valuation from protective rubber footwear. On behalf of myself and the senior Senator from Indiana [Mr. HARTKE], I sponsored such an amendment, and the American selling price method of valuation was removed from protective rubber footwear by the legislative process.

Authority to negotiate ASP could well have been requested at that time and considered by the Congress. Instead, on December 28, 1965, that office requested the Tariff Commission to derive a set of converted rates for ASP items, chemicals, canned clams, knit gloves, and certain

rubber soled footwear, namely "sneakers." The Commission was to convert existing tariffs of ASP method of valuation to the export value method of valuation. The purpose of the study as stated in the request, was to assist that office to determine what its policy should be with regard to ASP.

Long before the Tariff Commission completed its initial findings, however, Governor Herter's office announced the willingness of the United States to negotiate on American selling price in the Kennedy round. Neither Congress nor the American people were informed in advance or at the time of this important decision. The Senate delegates to the Kennedy round, appointed under the provision of the Trade Expansion Act of 1962, first learned of this decision from European reports of a speech made by the Deputy Special Representative for Trade Negotiations in Rome, Italy, March 12, 1966.

Thus, the policy decision was obviously made without benefit either of the Tariff Commission study or congressional consideration.

The Finance Committee recognizes that problems exist in the area of valuation of imports for duty purposes. The American selling price is obviously one such problem, but only one. A report from the Bureau of Customs in December 1964 recommended that the definition of export value and foreign value in the Tariff Act be amended to provide that all valuation be f.o.b., port of shipment value.

I ask unanimous consent that the Treasury Department recommendation be printed in the RECORD at this point.

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

3. *Ex-factory Price Versus f.o.b. Price.* Under existing value provisions merchandise can be appraised at either of two prices, depending on how it is sold in the principal markets of the country of exportation. If the buyer has the option of buying either at the factory price (ex-factory) or at the price including shipping and handling charges to the port of shipment (f.o.b.), the merchandise is appraised at the ex-factory price. In such a case, inland charges are not part of the dutiable value.

On the other hand, if the buyer can only buy at a price including delivery to the port of shipment, the merchandise is appraised at the f.o.b. price, and inland charges become a part of dutiable value.

The appraiser in making his appraisement must determine, therefore, which of these conditions exist. If should be noted that inland charges are a factor only when the basis of appraisement is foreign or export value. The importance of the problem becomes apparent, however, since as already pointed out, export value is the basis of appraisement in over 96 percent of the invoices appraised under section 402 (new law).

To establish whether to appraise at ex-factory or f.o.b. price when appraising on the basis of foreign or export value, is often time-consuming; sometimes requires a foreign inquiry; causes numerous differences of opinion among appraisers, which require resolving by the Bureau; causes administrative difficulties; and adds considerable delay and uncertainty to appraisement.

Under the present system, a manufacturer need only furnish an affidavit that he sells, or offers to sell, at an ex-factory price, together with a confirmation of an order to this effect, for his merchandise to be appraised at ex-factory prices. That this can lead to fraudulent practices is obvious; to prove so is in most cases difficult, if not impossible. In Japan alone, approximately 4,000 manufacturers have submitted affidavits that they sell at an ex-factory price. Because of this, most of the merchandise coming out of Japan is appraised on an ex-factory basis. Yet those who profess to know claim that 95 percent of merchandise imported from Japan is sold on an f.o.b. basis. Most shipments from Canada are appraised on an ex-factory basis, whereas appraisement of shipments from the rest of the world are fairly evenly divided between ex-factory and f.o.b. basis.

The solution to the problem appears to be to establish a practice of appraising all merchandise on either an ex-factory or f.o.b. basis. To do so would require statutory changes in Section 402 and 402a of the Tariff Act.

It is recognized that the overall amount of duty involved in this issue is significant, even though the amount of duty per entry is relatively small. Ordinarily, inland charges are about 3 to 5 percent of the total invoice value of a given entry. This would mean a difference in duty of less than 1 percent of the total invoice value. Using 15 percent as an average rate of duty and $16.5 billion as the value of current imports per year, about 20 percent of which are subject to ad valorem rates of duty, the amount of the duty involved in this issue is $14.9 million to $24.8 million. This, of course, represents the total amount of duty involved in ex-factory and f.o.b. appraisements. A change to either basis would result in a gain or loss of about half the duty, or 7.5 million to 12.4 million. This is, of course, a rough estimate only.

Most appraisers favor appraising at the f.o.b. price as being easier to establish and more reliable than the ex-factory price. This would mean a gain in revenue to the Government, but it would mean an increase in costs to the importers. Conversely, appraisement at the ex-factory price would mean a loss of revenue to the Government and decreased costs to the importer. Eventually, of course, under either method of appraisement, all importers would be on an equal competitive basis.

RECOMMENDATION VI–20

a. It is recommended that legislation be introduced to amend the definitions of export value and foreign value in Section 402 and 402a of the Tariff Act to provide that in all cases the value of merchandise appraised under these definition would be the f.o.b. port of shipment value.

b. In conjunction with this recommendation and recommendation VI–18 (elimination of section 402a), a thorough study of section 402 should be made for the purpose of further simplification to help speed up appraisement.

Mr. RIBICOFF. Mr. President, many other problems exist. For this reason the Finance Committee on February 9, adopted my resolution to investigate the methods of valuation used by the United States and their principle trading partners. A preliminary report describing the methods of valuation and a comparative analysis of their differences and the results they produced will be submitted to the Finance Committee tomorrow. The final report of the Tariff Commission will include suggestions and recommendations for improvement of the valuation laws including the feasibility and desirability of adopting the Brussels definition of valuation used by all our major trading partners. All interested parties will be given an opportunity to appear and be heard.

The Finance Committee has thus moved ahead in a responsible way to make basic data and information available to all Senators on these very difficult problems. The Senate will thus be in a position to consider and weigh the solutions responsibly. This is a basic role of the Senate and one which should not be abdicated.

Mr. TALMADGE. Mr. President, I rise in support of Senate Concurrent Resolution 100, which expresses the sense of Congress that no agreement for the reduction of duties be entered into by the executive branch unless authorized under present law without the prior approval of Congress.

Explicit in the Constitution is the responsibility of Congress to establish and regulate a national trade policy through the raising and lowering of tariffs. Equally clear is the responsibility of the executive branch to promote trade and expand our markets abroad by treaty and agreement.

Beginning with the Trade Agreements Act of 1934, the Congress, in cooperation with the executive branch, embarked upon a policy of broad delegation of authority to the executive branch for the purpose of conducting trade negotiations and concluding multilateral trade agreements. The genius of this method is that it enables each branch to completely fulfill its constitutionally assigned duties while avoiding embarrasing and awkward situations that are inevitable when one branch must review the accomplishments of the other and simply approve or disapprove. It truly makes the conduct of trade affairs a shared responsibility, as was intended by the framers of the Constitution.

It was this trade policy which led directly to the Trade Expansion Act of 1962, and our participation in the Kennedy round of the GATT negotiations at Geneva. Thus, after 31 years of careful observance and constant application, it was thought to be deeply rooted in our trade policy. Recent indications, however, signal what can only be interpreted as a clear and deliberate intention on the part of the executive branch to depart from this proven procedure. In introducing this resolution, it was sincerely hoped that this great precedent in our Nation's trade policy could be preserved.

Let me emphasize that Senate Concurrent Resolution 100 does not raise a constitutional issue. Nor is it a false issue. It seeks merely to redefine what has been accepted as our national trade policy since 1934. There is not one single word or phrase contained in the resolution that attempts to deny the President his constitutionally assigned authority. It actually strengthens and makes more viable his constitutional authority. It asks only for a rededication to the "hand-in-hand" policy of congressional and Executive cooperation in trade matters. In this sense it is more aptly described as an issue of good faith.

I would point out that in passing the Trade Expansion Act of 1962, the Congress delegated to the executive branch

the broadest authority ever delegated for tariff reductions.

If the executive branch is determined to free itself of the long-standing and time-honored commitment to receive prior approval from Congress before acting in the trade field, then it is idle for the Congress to go through the empty gesturing of deliberating long and conscientiously on legislative grants such as the Trade Expansion Act of 1962. Either we openly and deliberately abandon this course, or insist on future compliance by the executive.

Senate Concurrent Resolution 100 determines upon the latter course.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1341), explaining the purposes of the concurrent resolution.

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

PURPOSE OF THE RESOLUTION

This resolution expresses the sense of Congress that in the conduct of or in connection with negotiations to carry out the Trade Expansion Act of 1962, no agreement or other arrangement which would necessitate the modification of any duty or other import restriction applicable under the laws of the United States should be entered into except in accordance with legislative authority delegated by the Congress prior to the entering into of such agreement or arrangement.

GENERAL STATEMENT

Background.—Until 1934, delegated authority to cut U.S. tariffs on imported articles was limited to determinations under the so-called flexible tariff provision which permitted tariff charges based upon comparative costs of production in order to equalize the costs of production here and abroad. With this exception ratemaking was primarily a function of Congress. Beginning in that year, however, this Nation embarked upon a new course in foreign trade policy. For the first time Congress delegated broad tariff-cutting authority to the President empowering him to offer reductions in U.S. tariffs on articles imported from abroad in return for concessions from foreign countries reducing barriers to U.S. exports. In 1945, 1955, and 1958, Congress delegated authority to the President to cut our tariff rates by additional amounts.

Each of these grants of authority provided for tariff reductions to apply equally to products of any nation. Under this delegated authority, articles coming from any country would be treated no less favorably than those from another country that did not discriminate against our commerce. Most-favored-nation treatment since the early 1950's has not been accorded products of Communist countries, and such products remain subject to the higher statutory rates of duty without regard to our tariff concessions.

This reciprocal trade policy has worked well within the framework of a constitutional system of checks and balances which vests in Congress the sole authority to change tariffs and confers on the President the sole authority over international negotiations. In this area where neither Congress nor the President has sufficient power to act independently of the other, the two branches since 1934 have joined their strengths to overcome their weaknesses. Thus, Congress delegated tariff-cutting authority in advance and the President entered into reciprocal trade agreements providing for tariff reductions pursuant to that authority. Historically, it has not been the practice under our trade policy to first enter into a tariff-cutting agreement and then seek its implementation.

Trade Expansion Act of 1962.—Because of the success of the reciprocal trade policy and because the existing tariff cutting authority had been exhausted, Congress approved the continuation of this policy in the bold new provisions enacted in the Trade Expansion Act of 1962. It not only continued the authority for the President to reduce our tariffs in return for concessions from foreign nations, but also for the first time authorized the complete elimination of some duties. Another important innovation in U.S. trade policy made by that act was the concept of adjustment assistance for workers and firms. This assistance, though still unused, was designed to relieve distressed workers and firms hard hit by import competition resulting from tariff concessions extended under authority delegated by Congress.

The basic negotiating authority under the Trade Expansion Act empowers the President to proclaim such modification or continuance of any existing duty or other import restriction as he deems appropriate to carry out any trade agreement entered into under that act, except that he may not cut any rate of duty to a rate below 50 percent of the rate existing on July 1, 1962. The President is further empowered to negotiate the complete elimination of duties where the rate in question is not more than 5 percent ad valorem or its equivalent, or where more than 80 percent of the world export value of an article is accounted for by the United States and the countries of the European Economic Community. Similarly, he may eliminate duties on certain agricultural commodities and on tropical commodities.

Authority to enter into trade agreements under the Trade Expansion Act expires June 30, 1967.

Reasons for the resolution.—The Committee on Finance has been pleased with the operation over the years of Congress partnership with the President in foreign trade matters. Long experience convinces us that arming the President in advance with tariff-cutting authority is the most effective means of achieving fair and equitable expansion of trade in the free world. Under this historical procedure, Congress, which is constitutionally vested with sole power to lay duties (art. 1, sec. 8), may weigh the merits of tariff reductions and the extent of contemplated concessions uninhibited by the international implications of a failure to implement obediently a trade agreement already negotiated by the President. It may similarly consider the circumstances under which adjustment assistance is appropriate.

The Committee on Finance has been disturbed over reports that the current Kennedy round of tariff negotiations may be broadened to include U.S. offers of concessions with respect to matters for which there is no existing delegated authority. In the committee's view, this would violate the principles which have made our reciprocal trade program so successful for more than three decades.

It has been reported that one area in which our negotiators may offer concessions concerns the American selling price method of valuation, which is part of the tariff determination process with respect to canned clams, and certain knit gloves, and more importantly, rubber-soled footwear (principally of the sneaker type) and benzenoid chemicals, the so-called coal tar products. Our negotiators concede that no delegation of authority exists, either under the Trade Expansion Act of 1962 or any other existing legislation, to modify the American selling price system pursuant to a trade agreement.

Another area may involve the treatment of "dumped" goods by the country in which the dumping occurs. This problem concerns unfair trade practices in a domestic economy and it is difficult for us to understand why Congress should be bypassed at the crucial policymaking stages, and permitted to participate only after policy has been frozen in an international trade agreement.

Congress has been no less forward-looking than the executive branch in trade matters and any action by our negotiators which tends to subordinate and degrade the important congressional role should not be condoned and will be resisted. The committee recognizes that our Constitution empowers the President alone to enter into international agreements and treaties. We do not question the legality of an agreement involving a trade matter for which no prior authority has been delegated. Our concern is that the experience gained over more than 30 years of a working partnership between the Congress and the Chief Executive may be set aside. It is this concern that moves us to protect the congressional role. We hope our negotiators will understand the great wisdom of confining their activities to those areas in which they have been authorized by Congress to proceed.

SUMMARY

For the reasons stated above, the Committee on Finance reports this resolution to express the sense of Congress that our trade negotiators in Geneva should not enter into any agreement or other arrangement which would require the modification of a U.S. duty or other import restriction except in accordance with clear legislative authority delegated by Congress prior to the negotiation.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution (S. Con. Res. 100). [Putting the question.]

Mr. JAVITS. I vote "No."

The PRESIDING OFFICER. The "ayes" have it.

The concurrent resolution (S. Con. Res. 100) was agreed to, as follows:

S. CON. RES. 100

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that, in the conduct of or in connection with negotiations to carry out the Trade Expansion Act of 1962, no agreement or other arrangement which would necessitate the modification of any duty or other import restriction applicable under the laws of the United States should be entered into except in accordance with legislative authority delegated by the Congress prior to the entering into of such agreement or arrangement.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the concurrent resolution was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I am opposed. I say "No."

The PRESIDING OFFICER. The Senator from New York is so recorded.

COOPERATION RELATING TO SCREW-WORM ERADICATION IN MEXICO

The Senate proceeded to consider the bill (S. 3325) to amend the act of February 28, 1947, as amended, to authorize the Secretary of Agriculture to cooperate in screw-worm eradication in Mexico which had been reported from the Committee on Agriculture and Forestry, with

an amendment, on page 1, line 7, after "Sec. 2.", to strike out "Section 2 of such Act is" and insert "Such Act is further"; so as to make the bill read:

S. 3325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of February 28, 1947 (61 Stat. 7) is amended by striking out in the first sentence "or rinderpest", and inserting in lieu thereof a comma and the following: "rinderpest, or screw-worm".

SEC. 2. Such Act is further amended by adding a new section as follows:

"SEC. 5. In carrying out this Act the Secretary of Agriculture is further authorized to cooperate with other public and private organizations and individuals."

Mr. MONTOYA. Mr. President, it is my privilege today to speak briefly in support of S. 3325, a bill which will permit this country to join with Mexico in a cooperative program for the control of screw-worms.

This bill, which I introduced on May 9, was reported out unanimously by the Senate Committee on Agriculture and Forestry yesterday after receiving careful consideration and study. One clarifying amendment was made, but did not change the substance of the bill in any way.

S. 3325 will amend the act of February 28, 1947, as amended, under which the Congress authorized the Department of Agriculture to undertake a cooperative program with Mexico for the elimination of foot-and-mouth disease. This highly successful control program was carried out in Mexico, in cooperation with the Mexican Government, so that today foot-and-mouth disease no longer threatens either the U.S. cattle industry or the Mexican cattle industry.

S. 3325 will permit the Department of Agriculture to utilize this valuable precedent and valuable experience in carrying out a similar international control program against screw-worm.

Screw-worm is a serious cattle pest which is endemic in much of Mexico. Until recently, it was also a serious problem in the Southeastern and the Southwestern United States.

Department of Agriculture specialists have devised an effective method of control which involves the installation and maintenance of "barriers" of sterile screw-worm flies.

Once the pest is eliminated, as in the Southeastern States in 1960 and the Southwestern States including New Mexico by 1964, it can be kept out of a region so long as this barrier is maintained.

At present, the United States is maintaining such a barrier along the 2,000 mile border that we share with Mexico at an annual combined Federal-State cost estimated at $5.2 million.

The same protection could be obtained at far less cost by moving this barrier southward to the narrow waist of central Mexico. The barrier there would be only 150 to 200 miles long, and would be much easier to maintain as well as less expensive to maintain.

At present, the Department of Agriculture lacks the authority for a cooperative eradication program in Mexico. S. 3325 will provide that authority.

Mr. President, I urge the Senate's favorable consideration of S. 3325.

Mr. YARBOROUGH. Mr. President, yesterday the Senate Agriculture Committee reported S. 3325, a bill to authorize the Secretary of Agriculture to cooperate with Mexico in a screw-worm eradication program in that country. This legislation, introduced by the distinguished junior Senator from New Mexico [Mr. MONTOYA] is vital to the livestock producers of this country. I am honored to be a cosponsor.

In the past, livestock producers in the southern half of the United States suffered an annual loss of $100 million due to the destructive screw-worm. With new scientific methods, eradication of native screw-worm populations has been accomplished in the Southeast and Southwest States, and most recently in Arizona and California. A barrier zone of sterile screw-worm flies extends from the Gulf of Mexico to the Pacific Ocean along the Mexican border, preventing the entry of screw-worms from Mexico into areas of the United States which have been freed from this pest.

Near Mission, Tex., production of sterile screw-worm flies has been perfected to the point that every operation is at least partially automated, permitting an output of more than 150 million flies per week. At Texas A. & M. University research is being conducted on the technical feasibility and economic practicality of applying electronic data processing to screw-worm eradication. By charting patterns of fly distribution and tracing the routes the insects would follow in moving outward from the peaks of concentration, the system could predict future outbreaks and employ preventive measures to control probable danger areas. It is estimated that for every dollar spent on the eradication program the livestock industry has saved $15.

The bill before us now would greatly reduce the cost of this program while insuring the security of our own animals. At the present time 1,850 miles of barrier are maintained to halt the introduction of Mexican screw-worms into the United States. A survey is being conducted in Mexico to study eradication of the screw-worm there. Indications are that an effective barrier could be maintained across the narrow part of Mexico, the Isthmus of Tehauntepec, for a fraction of the expense of the existing barrier. Coordination and cooperation between Mexico and the United States is essential to the success of this program.

S. 3325 amends the act of February 28, 1947, as amended, and authorizes the Secretary of Agriculture to cooperate with the Mexican Government in screw-worm eradication. An open-ended authorization is provided; funds must be appropriated by Congress through the regular appropriations process.

I strongly urge passage of this bill to protect the livestock industry of this country by extending southward the barrier zone of sterile screw-worm flies. The expense of the existing program will be reduced while the scope of protection is increased. I hope my fellow Senators will join in passing S. 3325 as reported.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1342), explaining the purposes of the bill.

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

S. 3325 authorizes the Secretary of Agriculture to cooperate with the Mexican Government in screw-worm eradication in Mexico. Currently the United States is assuming the total burden of conducting an eradication program along our entire border with Mexico which runs some 2,000 miles. A successful eradication program in Mexico could eventually mean the establishment of a much shorter and, therefore, less costly barrier across Mexico, probably at the Isthmus of Tehuantepec.

The legislation is further explained in the attached favorable report from the Department of Agriculture. Also attached is the report from the Department of State recommending enactment of the bill. A companion bill, H.R. 14888, passed the House June 6, 1966. The committee amendment is technical.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

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

Subsequently, the Senate took the following action:

Mr. KUCHEL. I ask unanimous consent that the vote by which the bill was passed be reconsidered.

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

Mr. KUCHEL. I ask unanimous consent that the Committee on Agriculture and Forestry be discharged from the further consideration of a companion bill, H.R. 14888.

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

Mr. KUCHEL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 14888.

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

The LEGISLATIVE CLERK. A bill (H.R. 14888) to amend the act of February 28, 1947, as amended, to authorize the Secretary of Agriculture to cooperate in screw-worm eradication in Mexico.

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

The Chair hears none, and it is so ordered.

Mr. KUCHEL. Mr. President, I ask unanimous consent that all after the enacting clause be stricken, and that the text of S. 3325, the bill passed by the Senate, be inserted in lieu thereof.

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

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

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

The bill was read a third time, and passed.

Mr. KUCHEL. I ask unanimous consent that the Senate bill, S. 3325, be indefinitely postponed.

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

Mr. KUCHEL. Mr. President, for the information of the Senate, this request was made by the Senate staff to clear up an inadvertent error, which has now been corrected.

TO INCREASE THE AUTHORIZATION FOR APPROPRIATION FOR CONTINUING WORK IN THE MISSOURI RIVER BASIN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1308, Senate 3186. I do this so that the bill will become the pending business.

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

The LEGISLATIVE CLERK. A bill (S. 3186) to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

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

There being no objection, the Senate proceeded to consider the bill.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock noon tomorrow.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments to the Senate to the amendments of the House to the bill (S. 2999) to repeal section 6 of the Southern Nevada Project Act (Act of October 22, 1965 (79 Stat. 1068)).''

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 7423) to permit certain transfers of Post Office Department appropriations.

The message further announced that the House had agreed to the amendments of the Senate to the following bills of the House:

H.R. 1535. An act to amend the Classification Act of 1949 to authorize the establishment of hazardous duty pay in certain cases; and

H.R. 2035. An act to provide for cost-of-living adjustments in star route contract prices.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 804. Concurrent resolution providing that when the House adjourns on June 30, 1966, it stand adjourned until 12 o'clock meridian, July 11, 1966; and

H. Con. Res. 805. Concurrent resolution providing that the Speaker of the House of Representatives and the President of the Senate be authorized to sign enrolled bills and joint resolutions duly passed and found truly enrolled.

DEDICATION OF THE ESTES KEFAUVER MEMORIAL LIBRARY—REMARKS BY SENATOR JACKSON OF WASHINGTON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a statement by the Senator from Tennessee [Mr. BASS] on the dedication of the Estes Kefauver Memorial Library, and the remarks made by the Senator from Washington [Mr. JACKSON] on that occasion be printed in the RECORD.

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

STATEMENT BY SENATOR BASS

The Estes Kefauver Memorial Library, in honor of the distinguished Senator, was dedicated last Saturday, June 25, 1966, in ceremonies at the University of Tennessee in Knoxville at which my good friend and our distinguished colleague Senator HENRY M. JACKSON of Washington delivered the major address. Senator JACKSON, a close personal friend of the late Senator Kefauver, well expressed the feelings of devotion that I, many of my fellow Tennesseans, and many throughout the nation feel toward this remarkable man. As I was bedridden by an inhospitable case of the flu, my wife, Avanell, was kind enough to represent me at the dedication ceremonies and to express at that time our love and admiration for Senator Kefauver. I would like to take this further opportunity to recognize the outstanding contribution that he has made to the people of Tennessee and the nation alike.

It is difficult to imagine a more fitting tribute to his achievements than the Estes Kefauver Memorial Library which will house the documents that chronicle his life. It will serve as a permanent, vital monument to a great man. The spectacular success of the fund-raising campaign for the Estes Kefauver Memorial Foundation is testimony itself to the high regard in which Senator Kefauver is held throughout the nation. In less than three years the Foundation has raised more than $925,000, exceeding its goal by more than $150,000. Some $400,000 of these funds will be used as an endowment to provide Estes Kefauver Scholarships at the University of Tennessee. Another endowment of $105,000 has been created in his name at Wilberforce University, the oldest Negro university in Ohio, and a Kefauver scholarship fund of $5,000 has been established at Knoxville College. In addition, an Estes Kefauver lecture series has been founded at Southwestern University in Memphis to offer annually programs about the federation of democracies into a Union of the Free. Edward Meeman, editor emeritus of the Memphis Press-Scimitar, has donated $50,000 to provide an annual award to promote the cause of Atlantic Union, a cause that Senator Kefauver himself consistently championed.

In his address Senator JACKSON discussed the Atlantic Community, an expression often used to refer to the Atlantic Union, and he commended Kefauver for his firm commitment to the Union. He also paid homage to the courage and statesmanship which characterized Senator Kefauver's career.

REMARKS BY SENATOR HENRY M. JACKSON AT THE DEDICATION OF THE ESTES KEFAUVER MEMORIAL LIBRARY, UNIVERSITY OF TENNESSEE, JUNE 25, 1966

I am honored to be a participant in this dedication in memory of a distinguished son of Tennessee, an outstanding statesman of our country, and my long-time close personal friend, Senator Estes Kefauver. I am pleased that Nancy Kefauver and her wonderful children, Diane, Gail, Linda, and David are with us, as well as his faithful and loyal sisters, Nancy Fooshee and Nora Kefauver.

I well remember Monday, August 12, 1963, the day set aside by Estes Kefauver's colleagues in the House and Senate to pay their tributes to a departed friend. One man after another rose to speak of his courage, his integrity, his friendliness, the tirelessness of his service. Two phrases came to many minds that day as we recalled his work among us: He was a man—and he was a man of the people.

Estes was a man—independent, fearless, sometimes a loner, following his own lights, a pioneer in a coonskin cap blazing a path to a better life through the trackless wilderness of Washington. On more than one occasion, when the time came to cast his vote on a controversial issue, Estes would say: "Well, here goes. I'm not sure the folks in Tennessee will be sending me back, for this isn't popular in my country, but it's the right thing to do, and I'm going to vote for it."

When we pay tribute to Estes, therefore, we are also paying tribute to the people of his beloved Tennessee, who did send him back, over and over again. They knew he was a man, they respected him for it, and they preferred a man who knew his own mind to one who would try to be all things to all men.

Estes was also a man of the people—deeply conscious of the public interest and determined to use the great powers of the Federal Government to advance the welfare of the people. It brought him into conflict again and again with the "special interests"; you might say that Estes made himself the spokesman of the special interests of the people.

You here in Tennessee knew it, and many other Americans intuitively recognized it. Estes won 14 of the 17 primaries he entered in his campaign for his party's Presidential nomination in 1952—a remarkable tribute to a man who had not endeared himself to the political pros in his own party.

It is a good thing you are doing here to create working memorials to a working man. The collection of his papers is of historical importance, and provides rich materials for scholarly research into an important period of our national life.

There is nothing that would please Estes more than the knowledge that young men will be helped to prepare themselves for useful careers by scholarships in his name.

In a time when young men and women in this great university, as elsewhere around the country, face what it is fashionable to call "a crisis of identity," I think it is a good thing to hold Estes before them as a man worth emulating. That is what you accomplish by the Estes Kefauver Human Dignity and Free Economy Awards.

Many of you and probably most of other Americans usually think of Estes in terms of domestic problems, issues, and concerns, such as his support of TVA and public power, his battles with trusts and monopolies, his fight against organized crime, and his firm stand for progress in the field of civil rights.

On this occasion, however, I want to recall his persistent and vigorous support of cooperation among the free nations as the

surest road to a peaceful world. As Estes said in July 1962:

"Two 'hot' wars and the 'cold' one . . . have sharpened our awareness of our common roots, our common interests, our common ideals, and our common enemy. Out of this awareness has come concerted action, both military and economic; 'united or perish' has been our watchword. We united in the execution of the Marshall Plan . . . in NATO . . . in the . . . Organization for Economic Cooperation and Development . . . Some of these things we have done and are doing together because of the Soviet threat. But they are things that, regardless of the Soviet threat, we should do together because they are right."

Estes was in the forefront in his support of the Marshall Plan, economic cooperation, and the reduction of trade barriers—and in his support of realistic programs to strengthen and develop the Atlantic Community.

The first task of the Atlantic Alliance is to insure the security of its members by linking their talents and resources in such a way that any potential aggressor cannot hope to take on one at a time. NATO has provided this vital insurance for seventeen years and will continue to do so.

But an alliance can also serve to advance some of the other positive goals of its members. The strength and unity of the Atlantic area so carefully developed over the years is a major factor in creating the necessary political conditions for moving toward settlement of the troubling issues left over from World War II.

Estes always stressed the necessity of political solidarity among the western allies in order to move toward the kind of world we all seek. He was never a worshipper of the status quo anywhere. He would have welcomed the current efforts of the Fourteen allies to surmount the crisis precipitated by De Gaulle's eviction notice, to streamline the alliance and to make better use of its great potential in dealing with the outstanding issues of the day.

The North Atlantic Alliance, of course, has unfinished business—which is to reach a genuine, stable European settlement with the Soviet Union—to create conditions in which people can speak meaningfully of Europe instead of Western Europe and Eastern Europe, and to build a Europe which will strengthen the prospects for world peace and contribute to peaceful progress in Asia, Africa, and Latin America.

The Fourteen allies believe that Western unity and strength are the foundation stones of a genuine settlement. President de Gaulle apparently does not.

A genuine settlement will involve, among other things, a reduction of Soviet forces in Eastern Europe and their return to the Soviet Union. The Fourteen allies believe that the Soviet rulers are more likely to consider favorably such a move if the West remains strong than if Western power and resolve diminish. The Fourteen do not understand how they can improve their bargaining by weakening it.

There is the issue—and it is one on which we in the United States need to be clear. Some Americans are already asking why we should keep American boys in Europe if France is not going to play her full part in the defense of Western Europe. The answer is that it would be folly to unilaterally cut our forces in Europe and throw away the bargaining position we have worked long and hard to build. We should not cut our combat capability in Europe without corresponding concessions from the Soviet Union—especially so when the concession we ask are but contributions to a peaceful future for all of Europe, East and West. We could look forward to the reduction and redeployment of U.S. and NATO forces if the Soviets make effective arrangements for an equivalent reduction and redeployment of their forces.

The strength and progress of the Atlantic Community have been the product of allied cooperation, and cooperation has been the product of a readiness to subordinate lesser national interests to the overriding national interest in a security obtainable only by joint action with allies.

The processes of give-and-take and mutual accommodation are at the heart of joint ventures. Estes Kefauver knew this very well. He did vital work in the service of the Atlantic nations as a prime mover and leading participant in the NATO Parliamentarians' Conference. Estes was at his very best in the give-and-take with allied leaders, the frank talk and the listening, necessary to effective collaboration and action.

Estes Kefauver, like all statesmen, knew that the course of politics is not always straight and smooth. One suffers reverses and setbacks. He also knew the importance of persistence when one is on the right road.

A main purpose of the Estes Kefauver Memorial Foundation is to perpetuate the ideals Estes worked for during his long but all-too-short public career. No ideal was more important to him than the unity of free men on which our hopes for peace and progress depend. Nothing will do greater honor to his memory than to keep that ideal clearly before us as a light to guide by when the going gets rough.

PRESS REACTION TO TITLE IV

Mr. ERVIN. Mr. President, as Congress continues to deliberate title IV of the proposed Civil Rights Act of 1966, the people and the press in the country have become more aroused. My mail shows that the very great majority of the American people do not want to see their rights to sell or rent their property destroyed by act of Congress.

One of the more eloquent and cogent editorials on this subject was contained in the Charlotte News of Friday, June 17, 1966. This editorial is the embodiment of the best tradition in objective and scholarly editorial writing.

Mr. President, I ask unanimous consent that the editorial, together with excerpts from title IV quoted by the writer, be printed at this point in the RECORD.

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

[From the Charlotte News, June 17, 1966]

TITLE IV MUST GO

It is a sad truth that the worst law often issues from noble impulses. If it is a noble impulse to wish to provide a broader range of opportunity in housing for Americans who have been disadvantaged because of their race, that does relieve laws to this end of the need to be rational and to work good for all.

The salient features of Title IV—the so-called Open Housing title—of the administration's civil rights bill—are excerpted in the box accompanying this editorial. It is easy enough to determine what the bill sets out to accomplish. It sets out to banish race, color, or creed as considerations in the rental or sale of private property. It sets out to force the landlord, real estate agent, or home owner under the law to treat Negroes and whites identically.

And right away, at its central purpose, it is in trouble. For it tempts the assumption that it simply extends to the Negro rights previously held by whites. Nothing could be further from the truth. A homeowner's right to rent to one man for no better reason than that he has black hair or to refuse to rent to another for no better reason than that he has red hair is deeply rooted in the law. So liberal a man as Supreme Court Justice William O. Douglas is one authority out of many on this point. He wrote, in *Lombard* v. *Louisiana*: "For the Bill of Rights, as applied to the States through the Due Process clause of the Fourteenth Amendment, casts its weight on the side of the privacy of homes. A private person has no standing to obtain even limited access. The principle that a man's home is his castle is basic to our system of jurisprudence."

In other words, the private individual, whatever his color, never has had rights involving such access to private property. Suddenly, now, it is proposed that he does indeed have such rights, and that the property owner's rights must bow to them.

It is difficult to grasp the full meaning of such an assertion. Nothing like it resides in the record of constitutional interpretation, which insists upon the basic distinction between private and public property. The Supreme Court in *Shelley* v. *Kramer* put it very well: "The principle has become firmly embedded in our constitutional law that the action inhibited by the first section of the Fourteenth Amendment is only such action as may fairly be said to be that of the State." *That amendment erects no shield against merely private conduct, however, discriminatory or wrongful.*

We have emphasized this last phrase because it is basic to understand the issue here and in so many other areas of disputed interpretation of the Constitution. The Constitution is not a document intended to right all wrongs. It is a legal framework within which government and the individual can subsist in a meaningful but not coercive relationship with each other. Much of the good that Americans see to do can be done only by persuasion, not by coercion, and certainly not by passing new and more encompassing law.

Indeed, much ill can be done in the name of good and by exactly such means. It's possible to offer one simple example of the kind of wrong that could ensue from passage of Title IV.

Let's suppose that a man decides to offer his house for sale and advertises it. A prospective buyer looks at the house and makes an offer. The homeowner takes it under consideration but in time decides, for one reason or another, to remain in the house himself and not to sell. He so informs the prospective buyer.

It is entirely possible that if the prospective buyer happened to be a Negro that the homeowner would find himself haled into court and forced to prove that his decision not to sell was not based on the prospective buyer's race, color, or creed. That might be hard to prove. In the end, the homeowner might find himself judged guilty of discrimination, subject to a stiff fine.

All of this goes, as we have noted, without consideration of the rights of the homeowners, well established in constitutional interpretation. The basic right not to be deprived of liberty or property without due process of law—the only right expressly mentioned in both the 14th Amendment and the Bill of Rights—would be sacrificed by Title IV of a new, so-called right of "open occupancy."

Can such a law be constitutional? We do not believe it, if the Constitution still has meanings that are not to be set on their head. The administration is trying to qualify Title IV under the Constitution's Commerce clause, which reads simply: "The Congress shall have power to regulate commerce with foreign nations, and among the several

states, and with the Indian tribes." But if Title IV can be stuffed into this clause in utter defiance of long-established interpretations of other sections, the Constitution has been shorn of valued principles that cannot be replaced.

Senator DIRKSEN rose yesterday to state that, in his judgment, Congress cannot be sold Title IV. Let us hope not. Let us hope that Congress has the good sense to defeat a proposal that, in the name of a good end, would employ such clearly unconstitutional means.

[From the Charlotte News, June 17, 1966]

TITLE IV

Below are pertinent excerpts from Title IV of the administration's proposed civil rights bill of 1966:

Sec. 403. It shall be unlawful for the owner, lessee, sublessee, assignee, or manager of, or other persons having the authority to sell, rent, lease, or manage, a dwelling, or for any person who is a real estate broker or salesman, or employee or agent of a real estate broker or salesman—

a. To refuse to sell, rent or lease, refuse to negotiate for the sale, rental or lease of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin. . . .

c. To print or publish or cause to be printed or published any notice, statement, or advertisement, with respect to the sale, rental, or lease of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin. . . .

Sec. 406.

a. The rights granted by sections 403–405 may be enforced by civil actions in appropriate United States district courts. . . .

c. The court may grant such relief as it deems appropriate, including a permanent or temporary injunction, restraining order, or other order, and may award damages to the plaintiff, including damages for humiliation and mental pain and suffering, and up to $500 punitive damages.

THE NEGRO AND THE INDIAN: A COMPARISON OF THEIR CONSTITUTIONAL RIGHTS

Mr. ERVIN. Mr. President, in the spring 1966, edition of the Arizona Law Review, Albert E. Kane has made an excellent contribution to our understanding of the constitutional rights of the American Indian.

Mr. Kane, who has been admitted to practice before the Supreme Court and in the State of New York, is presently a member of the Bureau of Indian Affairs. In his article, entitled "The Negro and the Indian: A Comparison of Their Constitutional Rights," he describes the situation in this way:

Off the reservation the Indian enjoys the same rights of other citizens; but on the reservation, in the absence of federal legislation, he has only the rights conferred on him by the tribal governing body, because the constitutional guarantees do not restrict tribal action.

The reading of this article should arouse the concern of all Senators for insuring to the American Indian the basic rights which all Americans enjoy. For this reason, Mr. President, I ask unanimous consent that Mr. Kane's article be reprinted in full at this point in the RECORD.

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

[From the Arizona Law Review, Spring 1966]

THE NEGRO AND THE INDIAN: A COMPARISON OF THEIR CONSTITUTIONAL RIGHTS

(By Albert E. Kane *)

In view of the recent legislation attempting to render effective the voting rights of the American Negro,[1] it may be interesting to compare briefly the treatment of some of his constitutional rights with those of the American Indian.

Negroes first arrived in this country in 1619, but they did not all become citizens until after the enactment of the Civil Rights Act of 1866,[2] and the 14th Amendment. It was not until 58 years thereafter, under the Citizenship Act of June 2, 1924,[3] that all Indians were recognized as citizens of the United States and of the States of their residence.[4]

Some indication of the difference in magnitude of the problems involved can be gleaned from examination of the 1960 population figures of the states of Alabama and Arizona. According to these, in the State of Alabama, there were 2,283,609 whites and 980,271 Negroes, a ratio of 2.3 to 1. In Arizona, where there are congregated 19 tribal groups and more Indians than in any other State, there were 1,302,161 whites and 83,387 Indians, a ratio of almost 15 to 1.[5]

THE RIGHT TO VOTE

While Alabama voting laws did not expressly deny the vote to Negroes, the discriminatory application of these laws made Negro voting really impossible. As the President said: "Every device of which human ingenuity is capable has been used to deny this right . . . He [the Negro] may be asked to recite the entire Constitution or explain the most complex provision of State law. . . . The only way to pass these barriers is to show a white skin." [6]

Prior to the voting rights legislation and notwithstanding the Civil Rights Act of 1964, a Negro often had to stand all day in line to register and then perhaps be refused; economic reprisals were threatened against those attempting to vote; bullets were fired into passing automobiles having Negro occupants; Civil Rights workers, both white and colored, were slain; the Ku Klux Klan was riding again to intimidate the black voter; and it became necessary for Negro vigilantes to stand guard over Negro neighborhoods.[7]

Unlike Alabama, Arizona voting laws seemed *expressly* discriminatory with respect to Indians. Article 7 of the state constitution, concerning "Qualifications of Voters," provided in part:

No *person under guardianship*, non compos mentis or insane shall be qualified to vote at any election, nor shall any person convicted of treason or felony, be qualified to vote at any election unless restored to civil rights. (*Italics* mine).

Pursuant thereto, the 1928 Arizona statute provided that "* * * persons under guardianship * * * shall not be qualified to register for any election." [8]

In the 1928 case of *Porter v. Hall*,[9] it was decided that Arizona Indians did not have the right to vote because they were within the specific provisions of this law denying suffrage to "persons under guardianship":

* * * so long as the federal government insists that, notwithstanding their citizenship, their responsibility under our law differs from that of the ordinary citizen, and that they are, or may be, regulated by that government, by virtue of its guardianship, in any manner different from that which may be used in the regulation of white citizens, they are, within the meaning of our constitutional provision, "persons under guardianship," and not entitled to vote.[10]

In 1948, however, the *Porter* case was expressly overruled in the case of *Harrison v. Laveen*,[11] thus allowing the Indians the right to vote in Arizona.

Many other state laws contained voting provisions which expressly discriminated against Indians. Some allowed the vote only to those Indians who were determined to have adopted the language, customs and habits of civilization, or who had severed their tribal relations; others denied the elective franchise to "Indians not taxed" or declared that reservation residents were not residents of the state. However, the vast majority of these had been repealed by legislation or overruled by case decisions by 1960.[12] In any event, this discrimination was not brought about through physical coercion or economic threat, nor, for the most part, has any Federal measure been necessary in recent years to insure the Indians' voting rights.[13]

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[1] 79 Stat. 437 (1965).

[2] 14 Stat. 27 (1866).

[3] 43 Stat. 253 (1924).

[4] Deere v. New York, 22 F.2d 851 (1927).

[5] The tribes represented in Arizona are the Apaches, Chemehuevis, Cocopahs, Havasupais, Hopis, Hualapais, Maricopas, Mohaves, Navajos, Paiutes, Papagos, Pimas, Yavapais, and Yumas.

[6] Washington Post, March 16, 1965, sec. A, p. 14, col. 5.

[7] No authority can be cited which completely describes the events which transpired during the Summer of 1965. See generally Newsweek Magazine, vol LXVI, no. 8 (Aug 23, 1965).

[8] Arizona Laws (1928), ch. 62, § 1.

[9] 34 Ariz. 308, 271 Pac. 411 (1928).

[10] *Id.* at 331 271 Pac. at 419.

[11] 67 Ariz. 337, 196 P.2d 456 (1948).

[12] For provisions relating to the Indian voting problem in other states, see, *e.g.*, Opsahl v. Johnson, 138 Minn. 42, 163 N.W. 988 (1917), N.D. CONST, art. V, §§ 121, 127; Swift v. Leach, 178 N.W. 437 (N.D. 1920); 1953 UTAH CODE ANN. § 20–2–14(11); Allen v. Merill, 6 Utah 2d 32, 305 P.2d 490 (1956), *remanded*, 353 U.S. 932 (1957); Rothfels v. Southworth, 11 Utah 2d 169, 356 P.2d 612 (1960).

[13] As recently as 1962 the Indian right to vote was vainly challenged by the unsuccessful candidate for Lieutenant Governor of New Mexico, who would have been the victor by 63 votes out of 300,000 cast if the Indian votes had been thrown out. The contention was that, since the State had no jurisdiction over the reservation, the polling places should not have been allowed thereon because of the difficulties that might have arisen in the event of a violation of the New Mexico Election Code occurring on the reservation. In rejecting this contention the Supreme Court of New Mexico stated:

"The fact that a person living on a reservation may not be subject to the process of the courts or the direction of State or county officials is of serious moment but so is the refusal of the right to vote. . . . The anomalous situation here existing places the

THE RIGHT TO FREEDOM OF WORSHIP

Negroes enjoy the Federal guarantee of freedom of worship in theory as well as in practice, as do Indians living off the reservation. However, Indians living on the reservation, while usually enjoying this right in practice, could, in theory, be denied it, since only 117 of the 247 formally organized tribes have Bill of Rights provisions in their tribal constitutions.[14] Absent a showing of clear and present danger to the public health, welfare or morals, neither the state nor Federal governments will interfere with churches or church practices.[15] However, it has been held that a tribal court can deny a reservation Indian the free practice of his religion since the First Amendment to the United States Constitution is not applicable to Indian nations, so that the deprivation of religious liberty by a tribal government could not be enjoined.[16] In *Toledo v. Pueblo de Jemez*,[17] the plaintiffs complained that the Pueblo refused them the right to bury their dead in the community cemetery, to build a church on pueblo land or to use their homes for church purposes, and refused to allow Protestant ministers freely to enter the Pueblo at reasonable times. They also alleged that they were threatened with the loss of their homes and personal property unless they accepted the Catholic religion, and that all this was done despite the adoption of a Pueblo ordinance recognizing each member's right to freedom of worship and to be unmolested in his person or property on account of his mode of religious worship. The court, however, refused to intervene, stating that the Pueblo derived its powers neither from New Mexico nor the United States, although it was subject to the paramount authority of Congress, and that, since no State law was involved, there was no violation of the Civil Rights Act.[18]

THE RIGHT TO EQUAL PROTECTION OF THE LAWS

No citation of authority is necessary to establish that, prior to the Civil Rights Act of 1964[19] and the cases decided under it,[20] the Negro was judicially denied the equal protection of the laws of Alabama with respect to public accommodations. In contrast, as early as 1939 the Arizona court, in upsetting a discriminatory game law, decided that tribal Indians were entitled to the equal protection of the laws of Arizona:

"The Indian is responsible to the state courts, under our criminal law, for acts committed when he is off the reservation in the same manner as any other citizen. . . . His property, if he may have any which is not on the reservation, is subject to the jurisdiction of the state courts in the same manner as that of other citizens under guardianship, and his contracts in regard to said property are subject to the same rules as the contracts of others who are not *sui juris*. . . . We think the only difference between petitioner and other citizens not *sui juris*, to-wit: that he is of the Indian race and that while on the reservation he is not subject to the laws of the state in the same manner as other wards, is not a difference which in any manner can, or does, affect the successful operation of the game laws and their object, to-wit: the protection and preservation of game." [21]

THE RIGHT TO DUE PROCESS OF LAW

Together, the Fifth and Fourteenth Amendments of the Constitution of the United States prevent the deprivation of life, liberty, or property without due process of law. These amendments thus limit legislative action by the state and federal Governments, but they do not apply to Indian tribes, which are considered "domestic dependent nations" and not "states," [22] although politically they function in a similar manner. While in practice racial discrimination may prevent the Negro from achieving his full rights to due process, legally he is protected by these amendments. Conversely the tribal Indian is often protected in the exercise of these rights in practice, but not legally. He lives for the most part on reservations in areas away from the white community and, while he may resent its attitude toward him and feel keenly the lash of discrimination, yet he is not too often subject to this type of humiliation because his contacts with white people are less frequent than those of the Negro. Furthermore, Indian tribes seldom violate the "constitutional" rights of their own members. They do not ordinarily have illegal searches and seizures, police brutality, nor extensive detention before arraignment. Nevertheless, legally, the tribe may deprive its people of their liberty and property without what the U.S. Supreme Court describes as "due process of law," and the Indian will have no redress.[23] Off the reservation, with respect to federal and state governments, the Indian citizen has all the constitutional rights of other citizens, but on the reservation, in the absence of federal legislation, he has only the rights conferred on him by the tribal governing body, as the constitutional guarantees do not restrict tribal action.[24] One mode of redress specifically guaranteed to citizens of the United States, the writ of Habeas Corpus, was not available to the reservation Indian until 1965.[25]

THE RIGHT TO A FAIR TRIAL

For his offenses, the Negro will be tried in local, state and federal courts; but, except for eleven major crimes, the reservation Indian who commits a crime on the reservation is subject solely to the tribal court system.[26] This system is now composed of 12 Courts of Indian Offenses, established by the Secretary of the Interior for those tribes which are not fully organized, 53 tribal courts, established by the tribes themselves but modeled after the Court of Indian Offenses, and 19 traditional courts, mainly in the New Mexico pueblos, using unwritten codes.[27] These courts have often been described as extralegal, since Congress has never gone further in recognizing them than to authorize a small salary for their judges.[28] Although their decrees have been recognized in state courts,[29] they have been described as mere educational and disciplinary instrumentalities. They are not constitutional courts within the purview of section 1 of article 3 of the United States Constitution which vests the judicial power of the United States in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish.

Except in some cases before local Justices of the Peace, a Negro will be tried in a court where the presiding judge has had legal training and is a reputable member of the state or federal bar. The only qualification for the selection of a judge in the Court of Indian Offenses is that he be a member of the tribe and not have been convicted of a felony; or, within 1 year then last past, a misdemeanor.[30] The judge may actually have been selected just because in the past he has felt the sting of the law, and therefore, will be presumed to act in a compassionate manner toward those brought before him. A few Indian judges may have had some college training and even studied law, and in courts other than the Courts of Indian Offenses, some professional attorneys or even retired State court judges have been employed to preside,[31] but quite often Indian judges are woefully incompetent, without any knowledge of legal procedure and without any legal training. Furthermore, if the judges are appointed by the tribal governing body, an Indian litigant politically opposed to that body may not always get fair treatment.[32] Compounding the problem of inexperience, spectators are few in Indian courts and there is seldom a reporter to record an unjust decision, thus defeating the power of the press to bring about a reversal.

When the Negro is brought to court and charged with a crime, he may demand a jury trial pursuant to the 6th Amendment to the Constitution.[33] Of course, such a trial may be of little benefit to him if he secures only a prejudiced white jury, unless he succeeds in having his conviction set aside on the basis of systematic exclusion of Negroes from the jury panel.[34]

In Courts of Indian Offenses the accused may also demand a jury trial, but only after it is determined by the court that a substantial question of fact has been raised.[35] However, because of fear of alienating the judges, or through ignorance or habit, trial by jury is seldom requested.

THE RIGHT TO COUNSEL

The Negro's right to be represented by counsel is also protected by the 6th and 14th

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Navajo in a more favored position than other legal residents of the State. They have the right to participate in the choice of officials but, under many circumstances, cannot be governed by or be subject to the control of the officials so elected. Whether this should be allowed to continue is a matter to be determined by the legislature, after it has considered all the facts including the wishes of the Indians involved."

Montoya v. Bolack, 70 N.M. 196, 372 P. 2d 387 (1962).

[14] *Hearings Before Senate Committee on Judiciary—Constitutional Rights of American Indians*—87th Congress, 1st Session, p. 121 (1961).

[15] Cantwell v. Connecticut, 310 U.S. 296 (1940).

[16] Native American Church v. Navajo Tribal Council, 272 F. 2d 131 (10th Cir. 1959).

[17] 119 F. Supp. 429 (D. N.M. 1954).

[18] 8 U.S.C.A. § 43 (now 42 U.S.C.A. § 1983 (1964)).

[19] 78 Stat. 241, 42 U.S.C.A. 2000a (1964).

[20] Heart of Atlanta Motel v. United States, 379 U.S. 241 (1964); Katzenbach v. McClung, 379 U.S. 294 (1964).

[21] Begay v. Sawtelle, 53 Ariz. 304, 88 P. 2d 999 (1939).

[22] Talton v. Mayes, 163 U.S. 376 (1896); Cherokee Nation v. Georgia, 5 Pet. 1 (1831); Native American Church v. Navajo Tribal Council, 272 F. 2d 131 (10th Cir. 1959); Barta v. Oglala Sioux Tribe, 259 F. 2d 553 (8th Cir. 1958).

[23] Glover v. U.S., 219 F. Supp. 19 (D. Mont. 1963).

[24] *Op. cit. supra* note 14, at 3; State of Arizona v. Hobby, 221 F. 2d 498 (D. D.C. 1954).

[25] Colliflower v. Garland, 342 F. 2d 369, 379 (9th Cir. 1965).

[26] See Kane, Jurisdiction Over Indians and Indian Reservations, 6 Ariz. L. Rev. 237 (1965).

[27] *Op. cit. supra* note 14, at 141.

[28] Rice, *Position of American Indian in Law of U.S.*, 16 J. COMP. LEG. & INTL. L. SER. 307 (1934).

[29] See, *e.g.*, Iron Crow v. Oglala Sioux Tribe, 231 F.2d 89 (8th Cir. 1956); U.S. v. Clapox, 35 Fed. 575 (1888); Application of Denetclaw, 83 Ariz. 299, 320 P.2d 697 (1958); Begay v. Miller, 70 Ariz. 380, 222 P.2d 624 (1950); Patterson v. Seneca Nation, 245 N.Y. 433 (1927).

[30] 25 C.F.R. § 11.3(d); *Op. cit. supra* note 14, at 159.

[31] *Op. cit. supra* note 14, at 138.

[32] *Op. cit. supra* note 14, at 89.

[33] While the 6th Amendment does not bind the states to provide juries in criminal proceedings, Lane v. Warden Md. Penitentiary, 320 F. 2d 179 (1963), most state constitutions so provide. See, *e.g.*, ARIZ. CONST. art. 2, § 23.

[34] See, *e.g.*, Norris v. Alabama, 294 U.S. 587 (1934).

[35] 25 C.F.R. § 11.7a (1961).

Amendments. In fact, if he has no lawyer, and cannot afford to hire one, the courts will appoint one for him.[36] On the other hand, most tribal courts do not permit professional lawyers to practice in their courts, providing instead that either a member of the tribe may appear in an Indian's behalf or the court may appoint a representative for him.[37] This was also true in the Courts of Indian Offenses until 1961, when the regulations were changed to permit the appearance of professional attorneys.[38] However, since there is very little, if any, citation of case law in Indian courts, the aid of professional counsel is of doubtful importance.

THE RIGHT NOT TO TESTIFY AGAINST ONESELF

Under the U.S. Constitution, a Negro charged with a crime need not testify against himself. Conversely, in more than 60 Indian tribes, because there are no written codes or ordinances,[39] and the Indian is dependent on "customary" government, he has no guarantee against self-incrimination.[40]

CONCLUSION

Whatever faults there may be in the Indian system, many Indians prefer it, believing that, as with the Negro, they might be subjected to prejudice and discrimination in some state courts.[41] Pursuant to Public Law 280,[42] states may, without tribal consent, extend their criminal and civil jurisdiction to encompass Indian reservations, thereby insuring a fair trial, but, mainly because of the added costs involved, few have exhibited any desire to do so,[43] and the majority of Indian people have expressed opposition to such an extension of state court jurisdiction.[44]

Off the reservation the Indian enjoys the same rights of other citizens; but on the reservation, in the absence of federal legislation, he has only the rights conferred on him by the tribal governing body, because the constitutional guarantees do not restrict tribal action. Senator ERVIN of North Carolina, has introduced bills in Congress to protect the constitutional rights of American Indians which would authorize the Attorney General to investigate Indian complaints regarding deprivation of their constitutional rights and grant the right of appeal in such cases from Indian courts to the United States District Court.[45] Perhaps this signals an arousing of concern toward problems of the American Indian commensurate with that recently directed toward the American Negro.

THE RIGHTS OF OWNERSHIP

Mr. ERVIN. Mr. President, in 1889 the greatest historian of English law, Maitland, said of Oliver Wendell Holmes' "Common Law" that—

> For a long time to come [it] will leave its mark wide and deep on all the best thoughts of Americans and Englishmen about the history of their common law.

Today, we make inquiry into questions of law, and freedom, and particularly of the rights of ownership as they are involved with law and freedom. Holmes also asked these questions and quite beautifully answered some of them in his masterpiece on the common law. He wrote:

> But what are the rights of ownership? They are substantially the same as those incident to possession. Within the limits prescribed by policy, the owner is allowed to exercise his natural powers over the subject-matter uninterfered with, and is more or less protected in excluding other people from such interference. The owner is allowed to exclude all, and is accountable to no one.

Oliver Wendell Holmes spoke not only for his generation but as Maitland predicted "for a long time to come." The Subcommittee on Constitutional Rights has been privileged, however, to receive the benefits of the experience and thoughts of a more current authority on the law of real property. I refer, Mr. President, to the testimony of Bertel M. Sparks, professor of law at New York University.

Professor Sparks was invited to testify as one well qualified to speak on title IV of S. 3296, the housing section of the administration's proposed "Civil Rights Act of 1966." Having earned law degrees at the University of Kentucky and the University of Michigan, Professor Sparks has been a lecturing professor in the following special areas of property law: sales, real property, future interests, vendor-purchaser, trusts and estates, wills, and personal property. He was editor of the Kentucky Law Journal and is author of "Contracts To Make Wills" and "Cases on Trusts and Estates."

In his testimony before the subcommittee, Professor Sparks expressed the concern of many of us that—

> In the minds of some men even now, freedom [has] become deeply involved in semantics.

He clearly illustrated that—

> It is the right of an individual to deal with the fruits of his own labors in the way that seems most pleasing to him. And if he is not free to sell that which he acquires, he will be much less interested in acquiring it.

Mr. President, I submit that this statement is an accurate prediction if title IV is enacted. It goes to the very heart of the American economy. All Senators and all Americans should read Professor Sparks' statement with interest and reflection.

Mr. President, I ask unanimous consent that the full text of Professor Sparks' statement be printed in full at this point in the RECORD.

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

MEMORANDUM—TITLE IV, S. 3296, 89TH CONGRESS, 2D SESSION

(By Bertel M. Sparks, professor of law, New York University)

A person might be against a proposed piece of legislation because he does not approve of the objectives sought or he might approve of the objectives but still be against the particular statute because he does not consider it a proper means of achieving the desired goals. It is assumed that the objectives of Title IV of Senate Bill 3296 are to provide additional means for enforcing the constitutional provision for equal protection of the laws and to give to Negroes, and possibly others, a better opportunity to obtain more desirable housing. These are worthy goals indeed and it is doubtful if anyone can be found who will disagree with either of them. But in spite of the good intentions, inquiry must be made into the actual results Title IV is likely to produce in the market place. For I believe that Daniel Webster spoke the truth when he said the "Constitution was made to guard the people against the dangers of good intentions."

In the popular press, the bill is being referred to as a "Civil Rights Bill." But the experienced legislator can never be content with labels alone. He must ask himself, what rights, to whom are they being given, and who is giving them? Upon these questions Title IV is extremely ambiguous. It purports to give a right to everyone to purchase or lease real estate without regard to his "race, color, religion or national origin." But that right already exists in every instance where the prospective buyer locates the desired housing and offers the price for which a willing seller is prepared to sell. That brings us more directly to the question as to how Title IV proposes to improve the buyer's position. A reading of the bill, especially section 403, makes it quite clear that its purpose is to improve the buyer's position by providing for him a willing seller in circumstances where such might not otherwise be available. There are a number of rather extensive enforcement provisions concerning the bringing of lawsuits, payment of attorney's fees, and the regulation of real estate brokers and financial institutions. Many of these are of highly questionable viability within themselves. But they are all designed to support or supplement what purports to be the one basic right extended to the buyer. It is that central basic provision that I wish to discuss. And it will be my position that if the bill is enacted, its principal effects will be (1) to reduce the total amount of housing available by discouraging building, and (2) to put Negroes and other groups the legislation is intended to help at an increasing disadvantage in their efforts to buy what is available.

The bill attempts to provide a willing seller by denying to every property owner the right to consider "race, color, religion, or national origin" as influencing factors in the selection of a tenant or customer. But that provision raises two further questions of primary importance: (1) What personal right does this take from every home owner in the land? and (2) What effect will this have upon the ability of Negroes and other minority groups to obtain better housing?

The constitutional prohibition as well as the long standing legal tradition against the taking of property without due process of law brings us down to bedrock as to the meaning of the word "property" and what constitutes a "taking." The question is an important one, not only because of the provision in the Constitution, but also because of its significance in every aspect of human affairs. I am afraid that my discussion on this point will appear excessively esoteric to some and excessively simple and unnecessary to others. Whichever group you happen to be in, I beg you to bear with me because I believe a careful analysis of the nature of the property being taken is essential to an understanding of the effect the taking is likely to have in the market place.

In its legal sense, the word property does not refer to material things such as houses and lands, articles of clothing, tools, machinery, or other things capable of being owned. But rather property has reference to an individual's legal rights with respect to those things. There is the right to use, the right to exclude others, the right to sell, the right to devise, and others. A person's property in a given object then consists of the total bundle of rights he has in that object. Those

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[36] Gideon v. Wainwright, 372 U.S. 335 (1963).

[37] *Op. cit. supra* note 14, at 88.

[38] 25 C.F.R. § 11.9 (1961); Glover v. U.S., 219 F. Supp. 19 (19 D. Mont. 1963).

[39] *Op. cit. supra* note 14, at 73, 141.

[40] *Op. cit. supra* note 14, at 26.

[41] *Op. cit. supra* note 14, at 12, 13.

[42] 18 U.S.C.A. 1162; 28 U.S.C.A. 1360.

[43] *Op. cit. supra* note 14, at 88.

[44] *Op. cit. supra* note 14, at 15.

[45] CONGRESSIONAL RECORD, vol. 111 pt. 2, p. 1799. Previously, the only appeal was to a panel of judges who normally had no more training in the law than the trial judge, *Op. cit. supra* note 14, at 146. See 25 C.F.R. § 11.6 and § 11.6c (1961).

different rights are all separate items of property but they are not all of equal importance. It is possible that one or more of them may be taken away while the others are left undisturbed. One of the dangers inherent in this possibility is that we might consent to having them taken away one by one until there is scarcely anything left in the bundle. Another danger is that we might let one slip away thinking that we can hold on to all the others and then discover too late that we have surrendered the one upon which the very existence of all the others depends.

The particular right involved in Title IV is the right to sell. And here I am using the word "sell" to include the right to transfer for a term, that is to say, the right to rent or lease. In an effort to evaluate the importance of that particular right it might be well to begin by reminding ourselves briefly of a bit of history that all of us have been taught but which we might have a tendency to forget in this age when we are more concerned with the enjoyment of the fruits of freedom than we are with the sacrifices necessary to achieve it. And if I seem to dwell too long on what appears to be history of a bygone age, my purpose is to call attention to the fact that the right to sell, the right that is under attack in Title IV, is the very right which supports and sustains most of the civil and political rights held sacred by all Americans. While we might overlook that fact in our day, the founding fathers certainly did not forget it in theirs.

From the very foundation of our Republic, and in English jurisprudence even before that, down to the present time, our legal system has considered the right to sell as an essential feature of any free society. Some of our state constitutions have provisions declaring the right of property to be "before and higher than any constitutional sanction." [Ark. Const. art. 2, sec. 7.] And more recently it has been declared that, "In organized societies the degree of liberty among human beings is measured by the right to own and manage property, to buy and sell it, to contract." [Garber, Of Men and Not of Law 34 (1966).]

Now one certainly is justified in asking whether all these assertions are mere examples of holiday rhetoric or whether they actually do epitomize the lifeblood of freedom and the building blocks of a free society and economic stability. A close examination will reveal that it was the right to sell, to give away, or even to dissipate one's interest in property that enabled the serfs and villains of the feudal period to emerge from their servile status to the status of freemen. The men who occupied the land and tilled the soil were referred to as freemen even in the feudal period, but then, as is true in the minds of some men even now, freedom had become deeply involved in semantics. A freeman could not transfer his holdings, which in practical experience meant he could not cash in on the fruit of his own labor without the consent of his lord, his lord representing an ascending political hierarchy with the crown, in other words the state, as the ultimate authority. Of course the lord was under a similar burden so far as his efforts to transfer his own holdings were concerned. But his position was different in that his holdings were larger and of a higher order. He was economically secure and had a comfortable income. It was the fellow who had the least that was under the heaviest burden for until the man higher up let loose, there was nothing available for the man on the bottom to acquire. And whether a clog on the right to sell is labeled a medieval doctrine of feudal tenure or a Civil Rights Act of 1966, its effect in the market place will be the same and the man at the bottom will still be the loser. Of course it must be recognized that during the feudal period there were restrictions upon the right of inheritance, use, and other incidents of property ownership as well as upon the right to transfer. But the point to be made here is that the right to sell was the particular right that held the center of the stage, and until that right was achieved, political freedom and the whole gamut of civil rights lay dormant. And that right to sell, that economic mobility, or in the jargon of the profession that freedom of alienation, soon became the chief factor in the development of individual freedom of all kinds and it stimulated the economic use of property. When the occupant of land became free to sell at a price agreeable to him without seeking the consent of his lord and without paying a fine to his lord for having done so, he began to take on the coloration of a free man in the true sense of that word. Ownership took on new meaning. It included a power to cash in as well as a power to use. And when that freedom was achieved men no longer remained serfs, they no longer remained slaves, and the economy no longer remained static. It is no mystery that the real beneficiaries of this political and economic transition were those who possessed the least, it was the "have nots" rather than the "haves." With free economic mobility the fellow at the very bottom of the heap could exchange his services for a share in what was held by the man near the top. In this system of free exchange, not only was there no necessity for serfs or slaves but there ceased to be any place for parasites. Property tended to shift to those who put it to the most economic use. And there emerged the day of plenty which, although it is unique in the history of the world and is to this day confined to a comparatively small part of the earth's surface, it is so taken for granted in this country that we tend to forget its source.

But this personal liberty to deal in, dispose of, and profit from ownership of property did not come at a single stroke nor will it be lost at a single stroke. Its coming was a step-by-step process in which each step was characterized by a bitter struggle. Those who are already wealthy, who are already entrenched, who "have it made," are more likely to be interested in preserving their holdings than they are in searching for easier means of transferring it. But unless that right to transfer is recognized and is readily available, the "have not" fellow has little opportunity to improve his lot. The legal history from the feudal period into the industrial economy of our present era can be quite accurately described as a struggle for an expansion of the rights of property ownership available to the individual and it can be asserted with a high degree of confidence that if we retreat back into a lethargic age of tyranny, it will be a step-by-step surrender of those same personal rights. And let no one forget that it is a personal right that we are dealing with in Title IV. It is the right of an individual to deal with the fruits of his own labors in the way that seems most pleasing to him. And if he is not free to sell that which he acquires, he will be much less interested in acquiring it. If the restrictions imposed by Title IV are imposed upon the ownership of property, it is inevitable that there will be less incentive to acquire, build, and develop. This means that there will be less housing and you will not improve the housing of Negroes or anyone else by reducing the total amount of housing available.

But you might point out that Title IV does not take away the right to sell, that it takes only a limited part of that right, that is to say, the right to select one's own customers. And that is true. But how much have you withdrawn from the rights of a prospective seller when you have withdrawn or even restricted his power to select the persons with whom he deals? A 1965 decision in the Supreme Court of North Dakota [Holien v. Trydahl, 134 N.W. 2d 851 (N.D. 1965)] held that freedom to select one's own customers was such an inherent part of ownership that an arrangement entered into by the voluntary act of private parties requiring an owner to offer his property to a particular person before being permitted to sell to any one else was void. In the North Dakota case the restriction was not imposed by the state and no principles of constitutional law were involved. Nevertheless, the North Dakota Supreme Court considered even such a mild restriction on the power to select one's own customers a state of ownership not to be tolerated in a free society even when the parties so desired. It is doubtful if very many courts will go quite that far but it does illustrate the importance some judges have attached to the doctrine of economic mobility. Title IV proposes, not only to permit a much greater restriction on the freedom to select customers, but to impose that restriction without regard to the wishes of the parties.

To say that a provision such as Title IV will discourage building and thereby make less housing available is no idle guess either. Any kind of building, whether it be individual homes or apartment houses, calls for a substantial investment. It requires the assumption of substantial responsibility. There will always be some who will prefer the relative calm of remaining a tenant to the responsibility and uncertainty involved in ownership. And the tenant-by-preference group will necessarily be enlarged by anything that increases the risks of ownership without offering commensurate hope of reward.

A number of states already have laws similar to Title IV although I do not know of any that is quite so broad in the extent of its coverage. I have not heard or read anything to indicate that housing is any more readily available to minority groups in these states than elsewhere. Nor should anyone be surprised at this. The so-called ghettos where members of a particular racial or religious group are congregated in large numbers were not brought about by the refusal of landowners in other areas to sell to the members of such racial or religious groups. The thing that prompts a free man to sell is his own self interest and the price he receives is far more important in the market place than is the racial characteristics of the person from whom that price is obtained.

Some of the high concentrations of a particular racial or religious group have developed because the members of that particular group chose to live near each other. Others have developed because the members of conflicting racial or religious groups have moved away. This tendency to move away until the minority becomes the majority is probably the biggest single factor in the development of what is popularly known as "ghettos" or "ghetto" areas. I believe that each one of you can confirm this within your own experience if you will take a serious look at the Negro sections in the cities with which you are familiar. I dare say that you will find very few, if any, that have developed because of a refusal of persons outside the area to sell to Negro customers. What you are more likely to find is that a once thriving White population has moved away. This is what is happening in New York, especially Manhattan, at the present time. And New York City was one of the first, if not the first, locality in the country to have a so-called fair housing law. There is no evidence that the statute has had any effect on the continued tendency of Negroes and Puerto Ricans to become concentrated in particular areas. Title IV makes no provision for preventing Whites from moving

away from these areas. And yet this tendency to move away, not any tendency to keep others from buying, appears to have been the principal factor in the development of the existing ghettos.

But even if the freedom to select one's own customers should be considered less important than I have indicated and even if it did not have any depressing effect upon the economy and did not curtail the total housing available, the question still remains as to whether or not Title IV will make it easier for a Negro or member of some other minority group to purchase appropriate quarters. I should like to reduce that to very simple terms and discuss it from the point of view of a homeowner who is ready to sell his house and has listed it with a real estate broker for that purpose. When a prospective buyer presents himself there are many factors to be considered and many reasons might arise as to why the seller does not wish to deal with that particular buyer. The most important of these is usually the buyer's financial responsibility. Concerning that one item, doubts and uncertainties might arise that cannot be objectively demonstrated but which are sufficient to discourage the seller who will then choose not to deal. Or on purely subjective grounds but for reasons sufficient to himself the seller might suspect that the buyer has such a personality that he will be difficult to deal with on the matter of transfer of possession, condition of the premises at time of transfer, or some other relevant circumstances. For any one of these reasons or for no reason at all the seller might elect not to do business with the particular buyer who has presented himself.

If Title IV becomes law, a potential seller will be in precisely the same position as indicated above except for one thing. In his mind, all prospective buyers are now divided into two groups. In the usual situation, for here is the main target of the legislation, one group will be Whites and the other will be Negroes. The seller is unconcerned as to the race of the buyer but he is still interested in the various subjective factors previously mentioned. Title IV tells him that if he rejects a White buyer for whatever reason, no explanation will be called for; but if he rejects a Negro buyer, he will subject himself to possible litigation and the necessity of proving that the Negro was not rejected because of his race. What kind of proof can he present? As already indicated, many of the usual reasons for refusing to deal with a customer are subjective and not susceptible to judicial proof. But even if our seller succeeds in his proof, he will have been subjected to troublesome, embarrassing, and expensive litigation in which no good citizen desires to become involved. Faced with this situation, what is the seller most likely to do? If he is at all prudent, he will avoid seeing any colored buyers. I realize that the proposed law prohibits this but such a provision is somewhat analogous to a law prohibiting a man from kissing his wife at home after dark. Anyone who knows anything about buying and selling real estate knows how easy it is to avoid receiving any such offers. One method that I am told is currently a common practice in some areas where state laws similar to Title IV are already in effect is that of managing not to be at home when the broker brings a Negro buyer out to look at the house. There are many ways that this can be done and still be immune from detection even by extremely skilled investigators. But this is only one method of never receiving the unwanted offer and while it has some practical shortcomings, there are lots of other ways and no broker's office need be confined to any one scheme.

The important thing here is what Title IV has done to the Negro. The seller in our illustration had no objection to selling to Negroes. In the absence of Title IV, he would have had no objection to seeing them or in selling to any one of them who otherwise met with his approval. But now the danger of litigation forces him into searching for devious ways to avoid ever receiving the offers that he would have been happy to accept had it not been for Title IV.

Or to take another illustration, there is the university professor who takes a year's leave of absence in order to accept a temporary appointment at another institution as a visiting professor. He plans to move his family to the new location for the year. He would like to rent his house and he would have no objection to renting it to a Negro. But he wants to be reasonably sure he can trust the tenant to take good care of his furniture. He also knows that if he rejects any prospective tenant who is also a Negro he might be called upon for the same kind of proof that was demanded of the seller in the previous illustration. But here the real reasons are likely to be even more subjective and less susceptible of proof than if a sale were involved. As a result the professor is likely to employ some scheme similar to that used by the seller, or he might decide to avoid the difficulty by leaving his house vacant for the year. If he chooses the former, a prospective Negro tenant has been deprived of the opportunity to bid on an accommodation that was actually on the market. If he chooses the latter, there will be one less housing unit available in that city that year than would otherwise have been the case. In one instance Negro tenants are the losers and in the other all tenants, both Negro and White, are losers.

Someone might ask, "What about the seller who refuses to sell for no reason other than the race of the buyer?" We must assume that some sellers of this type do exist but any estimate of their number is likely to be based more on emotion than on fact. It should be pointed out, however, that in order for them to exist at all there has to be a seller who is more concerned about the race of the buyer than he is about the price he receives. It is doubtful if very many sellers are that oblivious to the power of the dollar. But even if they exist in large quantities, they will always have available to them all the devious subtilities employed by the non-prejudiced sellers who are merely trying to avoid exposure to litigation. Their apprehension will be next to impossible.

If Title IV becomes law it will have two significant effects: (1) It will discourage building, and (2) It will deprive the members of minority groups of opportunity to compete for what housing remains. The entire bill should be rejected.

THE PRESIDENT CONFERS WITH AUSTRALIAN PRIME MINISTER HOLT

Mr. SPARKMAN. Mr. President, the Washington Post of this morning published an interesting article written by Carroll Kilpatrick, a very able reporter of that paper, entitled "Hopes High as President Sees Premier Holt Today."

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

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

HOPES HIGH AS PRESIDENT SEES PREMIER HOLT TODAY

(By Carroll Kilpatrick)

President Johnson will confer with Australian Prime Minister Harold E. Holt today at a time when the President and his advisers are more hopeful about developments in Asia, including Vietnam, than at any other recent time.

While top Administration officials will not go so far as to say that the Allies are winning the war in Vietnam, they see signs of hope and encouragement that have not existed in the past, informed sources said.

Some Asian leaders reportedly have told Washington that the Allies are winning the Vietnam war. Their estimates have encouraged the President, who continues to maintain military pressure against the Communists in the hope of hastening an end of the conflict.

The pace of the bombing of North Vietnam has increased from about 4000 sorties a month before Christmas to almost 10,000 a month now.

Official sources report that Mr. Johnson is elated over a series of Asian and Pacific developments, particularly the development of regional bodies such as the Asian Development Bank, the Mekong River project and the meeting earlier this month in Seoul that brought together nearly all the non-Communist Asian leaders.

Officials are particularly watching signs that Prince Noradom Sihanouk, the Prime Minister of Cambodia, is beginning to hedge his earlier bets on a Communist victory in neighboring Vietnam. They detect some signs of a shift on his part.

The new optimism about Vietnam is said to be based on these facts: the heavy casualty rate being inflicted on Communist forces; the fact that the regime of South Vietnam Premier Nguyen Cao has survived the demonstrations against it and has reestablished a degree of order, and the increasing defections from the Communist ranks amid signs of defeatism among the Vietcong and North Vietnamese.

FACTORS ARE CITED

In explaining the President's confidence about Asia generally, officials cite a number of factors:

Three years ago Communist China was regarded as the most powerful and rapidly developing country in Asia. Now it is torn by a serious power struggle and has lost support in a large number of capitals. In neither industry nor agriculture has its claimed magic borne fruit.

Three years ago, Japan and South Korea were unable to agree on anything. Now they have worked out their differences and signed a treaty of friendship.

The Communists in Indonesia have suffered a severe setback.

The economic growth rate in 1965 was 8 per cent in South Korea, 7 per cent in Taiwan, 5½ per cent in Malaysia and 6 per cent in Thailand.

The Philippines and Malaysia have restored diplomatic relations.

Australia and New Zealand have worked more closely than in the past with Asians, and have been relieved by the end of Indonesia's attack on Malaysia.

Burma shows signs of emerging from its isolationism, and Burma's Premier, Ne Win, has accepted an invitation to visit Washington.

RECEPTION PLANNED

The President will discuss all these matters with Holt. The Prime Minister, who arrived in Washington last night, will drive to the White House today for a 12:15 p.m. reception with full military honors.

After a conference in the President's office, there will be a stag luncheon for Holt at the White House.

BEHIND THOSE POLICE BRUTALITY CHARGES

Mr. DIRKSEN. Mr. President, the Reader's Digest for July 1966, contains an article entitled "Behind Those 'Police

Brutality' Charges," written by Fred E. Inbau. This is a revealing article, and it should be given wide currency and should be read by everybody.

The author makes the point that effective police protection of our homes and our lives is in danger unless law enforcement officers are protected against unjust charges.

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

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

BEHIND THOSE "POLICE BRUTALITY" CHARGES

(By Fred E. Inbau)

(NOTE.—Fred E. Inbau is a professor of law at Northwestern University and a member of the Chicago Crime Commission. He is a former director of the Chicago Police Scientific Crime Detection Laboratory, a widely recognized authority on criminal-law procedures, and author of several books, including a standard law text, *Cases and Comments on Criminal Justice.*)

Patrolling his beat in Rochester, N.Y., on a Sunday night in May 1965, policeman Mike Rotolo spotted a hoodlum in a group of teenage boys smashing a lighted sign. "Hey, you in the white shirt, you're under arrest!" he yelled, chasing the fleeing youths behind a building. All at once he was alone, facing the gang.

"Keep your hands off him, white man," growled a voice. A glint of metal flashed. As 160-pound Rotolo cautiously approached, the burly vandal charged. The policeman grabbed him, managed to snap one handcuff on a wrist, but the youth yanked loose and swung the dangling cuff at Rotolo. The patrolman fought back with his nightstick. Seconds later, more police arrived and took the young man away, charging him with malicious mischief, assault and resisting arrest.

Within 48 hours a militant civil-rights group called FIGHT held a mass meeting on "police brutality," and a spokesman demanded that "racial bigots" be purged from the police force. The next day a superior told Mike Rotolo that he was suspended. The youth's parents had charged him with "brutality." Suddenly, publicity caused the officer's wife to be snubbed, and their three-year-old boy ran home crying that he could no longer play at a friend's house.

Eventually, Rotolo was cleared, but the ugly smear continues to haunt him. Recently a young man he arrested during a street disorder recognized his name and filed a "brutality" charge as a gimmick to dodge prosecution. Another time, after Rotolo hauled a drunken and belligerent husband out of a home, the wife tearfully thanked him for rescuing her. But two days later she charged Rotolo with "brutality." Both claims were investigated and adjudged false. Nevertheless, Rotolo's superiors have moved him to work where he won't "get involved." Is it any surprise that he says, "Too many policemen today feel that the only way to get ahead is to do nothing"?

ALWAYS THE SECOND GUESS

The attacks on Mike Rotolo typify an avalanche of irresponsible "brutality" charges piling up on policemen across the nation. When local police and Internal Revenue agents raided Boston bookies recently, hoodlums ignited an egg-and-tomato-throwing riot simply by running through the neighborhood shouting, "Police brutality! Police brutality!" Phony cries of "police brutality" helped to touch off the bloody explosion in the Watts area of Los Angeles last August. Again last March a high-school dropout hurled a rock through a teacher's car window, and as officers led the boy away, he screamed, "Police brutality! Riot! Riot!"—sparking another Watts outburst. Toll from the two riots: 36 dead, hundreds hurt.

With a "long, hot summer" ahead and some extremists openly threatening riots, the public can expect to hear a rising tumult of "police brutality" accusations. For today this phrase has exploded into a major national issue, supercharged with emotion, riddled with legal and social complexities.

The police have not been faultless. They will inevitably make future mistakes. But their job has become enormously more difficult in this age of "protest" as they face continuing waves of demonstrations, riots, and sit-ins. At times a lack of training, plus anger and frustration, have resulted in the use of unnecessary force. Cases of Negro-hating sheriffs using cattle prods are obviously intolerable. But the greatest obstacle to police departments' efforts everywhere to improve community-police relations has been a militant, unreasoning campaign, promoted by subversives, criminals, and professional protesters, to discredit *all* police with the stamp of the *few* offenders.

The consequences are staggering. Numerous police executives have confided to me that more and more officers are shying away from action that might singe them with the "brutality" brand. "The rank-and-file patrolman," former New York City police commissioner Michael J. Murphy laments, "is now apprehensive about doing *anything* in these situations because of always being second-guessed. If I were on a beat today, I would share his apprehension."

COLLECT YOUR CHECK

Although reluctant to admit publicly that they would ever fail to carry out their duty, dozens of policemen in a number of cities have quietly admitted to me that many laws are not enforced because of possible repercussions. Just a few weeks ago, an order was issued in New York City which requires that any policeman who fires his gun for any reason whatsoever, and injures someone, must be "benched" until the matter is thoroughly investigated.

Nothing, however, has so shaken policemen as what happened to two Chicago patrolmen. Responding to a call for help one night in October 1964, they tried to disarm two men who were terrorizing a neighborhood with a broken bottle. Told to "come and get it," the officers subdued the men only after one of the patrolmen was given a slash across the face that later required 27 stitches.

At the trial, police testimony was undisputed. Nevertheless, a newly elected judge freed the men, explaining that the slashing had been justified because the officers had "no business to pull a gun and attack a citizen."

Understandably, Chicago policemen were outraged. Both officers involved in the incident complain that it is constantly being thrown in their faces by criminals. Another policeman commented, "It's better just to shy away from trouble when you run across it." Still another said, "A lot of us have decided that we're just going to collect our paychecks from now on."

DESPITE ALL CLAIMS

State and federal laws carefully restrict police use of excessive force and prescribe penalties for officers who misuse it. Typically, states authorize a policeman to "use any force he *reasonably* believes to be necessary" to make an arrest or to subdue an attacker, but what is "reasonable" and "necessary" must be determined case by case. Moreover, authorities severely penalize police misconduct. In Arlington, Va., a 24-year veteran lost his temper one day and kicked and slapped a handcuffed woman. Police Chief William Fawver promptly investigated and dismissed him from the force. In Blackfoot, Idaho, a few years ago, a policeman arrested a man in a barroom brawl, took him to the city limits and beat him unconscious. A federal court convicted the officer for violating the 1870 civil-rights law.

Proved "brutality" complaints, however, are infrequent, despite all the claims. The Civil Rights Division of the Justice Department received 1778 complaints of criminal violations against police during fiscal 1965. Of this number, only 45 contained enough validity to be presented to a grand jury. In the 33 cases terminated, only *five* policemen were found guilty of the charges.

Washington, D.C., mustered only 11 formal complaints of police misconduct in 1964 (the latest year for which figures are available). The police department's own review board heard the cases, handed down guilty verdicts in seven and dealt firmly with the offenders. In New York City, complaints against the police of excessive use of force and unlawful exercise of authority totaled 324 in 1965, a year in which 203,303 arrests were made. In Philadelphia, a model city for police critics because of its civilian board to review citizen charges against the police, only 31 "brutality" complaints were received during 1964 (the most recent year of record). Of these, only five were upheld, and in nine cases the complainants didn't even show up at the hearings.

THE FAKE ACCUSATION

Today, however, the "brutality" outcry goes far beyond genuine cases of police misbehavior. All too frequently it is automatically attached to *any* physical action by police, however justified. These faked accusations fall into four major patterns:

1. Offenders who fake charges against police to evade the law. This ploy is increasingly used by criminals, and junior offenders have caught on to the same trick. One night, two St. Louis policemen pulled over a carload of rambunctious teen-agers and arrested two boys for a liquor-law violation. The boys and their girl friends worked out an elaborate story, then filed formal charges accusing the officers of vicious acts. Finally, realizing the seriousness of their hoax, the youngsters confessed that their story was completely false. Their admitted motive: to seek sympathy for themselves and to "get even" with the arresting officers.

2. Professional protesters who set up the police as hate targets. On the day after Harlem's 1964 riots broke out, James Farmer, then national director of the Congress of Racial Equality (CORE), appeared on WABC–TV's "Page One" show and told viewers in the tense city that police had conducted a "blood orgy." "I saw with my own eyes a woman who walked up to the police and asked for their assistance in getting a taxicab so that she might go home. This woman was shot in the groin, and she is now in Harlem Hospital." This charge, construed as a shocking accusation of the police, helped to inflame the already explosive situation. Later, however, the charge was carefully checked, and no police attack was ever proved. Moreover, no conclusive evidence has been found that Farmer personally witnessed any such incident.

3. People involved in disorderly conduct who find police easier to blame than themselves. Near downtown Detroit, a woman, drunk to the point of incoherence, stumbled up to a house at 4:30 a.m., shouted, "Let me in!" and pounded on the door. As frightened occupants called the police, the woman smashed the door in an explosion of splinters. A man in the house knocked her down, and she lay sprawled in the doorway when the police arrived. She was taken to a precinct station, booked, then hospitalized.

Shortly after, she made a formal complaint that she was walking along, minding

her own business, when the police stopped her, accused her of breaking and entering, then beat her. "The brutal treatment I received was a violation of my civil rights!" she shrilled. Her charges were dismissed.

4. Communists who exploit the "brutality" slogan to undermine law and order. Known communists and their sympathizers have engaged in police-baiting and brutality smear operations in such diverse areas as the Philadelphia and Harlem riots of 1964, the Watts riot of 1965 and the current wave of anti-Vietnamese-war demonstrations. The FBI considers the tactic so insidious that it has issued special instructions to its agents, explaining that the communist aims are "to arouse the passions of the people against law enforcement; to mislead the public; to smear, discredit and weaken law enforcement everywhere; and to divide, confuse and reduce seriously the strength of the opposition to communism."

Blaming all "police brutality" charges on the communists would be as incorrect as dismissing entirely the Red role in false anti-police propaganda. However, says Dr. Stefan T. Possony of Stanford University, an authority on Red psychological warfare: "It doesn't matter whether the propagandist's motive is outright subversion or simply extremist irresponsibility. The potential results of deliberate faking of accusations are the same: the communists want general public acceptance of the 'police brutality' slogan so they can achieve police disarmament."

MAN IN THE MIDDLE

Today's police officer is truly a man in the middle. Sociologists agree that slum dwellers often turn on police as symbols of the "power structure" that they blame for their plight. Policemen are expected to be social workers, judges, doctors and priests when they go on duty; yet often they do not get the official support they need. The former police chief of a major city privately told me, "Some politicians seem to regard gaining the political support of minority groups as more important than treating their accusations against police with fairness and objectivity."

The police role has been made still harder by instances of unbelievable judicial leniency toward criminals.* Take the case of the three young men with police records who made a vicious and unprovoked attack on Chicago police officer Frank Perry in 1963. The attackers pleaded guilty. Astonishingly, Cook County Judge Leslie E. Salter called Officer Perry a "crybaby" and turned his assailants loose on mere probation.

Compare with this the treatment of two who punched and kicked two Liverpool, England, policemen in 1962. They were sentenced to 18 months in jail, promptly appealed the judge's harshness, only to have the Court of Criminal Appeals *double* their jail term. "There must be deterrent sentences to ensure that police officers in Liverpool can safely carry out their duties," the court declared.

Attacks on police have become so frequent that the American Law Institute has recommended that states pass a model law clearly emphasizing the duty of every citizen to come quietly when arrested by a badge-displaying officer. Any questions of mistaken arrest would then be settled in court rather than in the street. The New York *Times*, urging the state legislature to pass such a law, declared, "In these days of increasing hoodlumism and street crime, the community rightly expects the police to assume risks, but in return it owes them reasonable protection. Policemen forced to make instantaneous decisions under trying circumstances should not become fair game for a mob."

* See "Take the Handcuffs off our Police!" The Reader's Digest, September '64.

The well-publicized vilification of America's policemen is hiding the fact that the police themselves are becoming the victims of brutality. The FBI's *Uniform Crime Reports* shows that one out of every ten policemen was assaulted in 1964 (the most recent year of record). In five years 225 officers were killed, and most of them left wives and children. In 1964 alone, felons killed 57 policemen.

THE STAKES

The harsh fact is that our nation is besieged by crime. During an average week, one city of 1,600,000 has 566 burglaries, 114 robberies, 15 rapes and about four killings. The situation is just as grim in suburban and rural areas, where nearly one third of all serious crimes occur among only one fifth of the population.

Statistics, however appalling, fail to tell the private horror of those attacked. A Los Angeles man going about his daily business is shot to death near his truck. A U.S. Congressman working late in his Capitol Hill office is knifed and robbed. A woman kneeling in prayer is dragged to a confessional and raped.

Anyone who has ever called for help in such danger knows the feeling of terror, and what it can mean to have police officers who do not hesitate to respond *instantly* and *forcefully*. Protecting the police from unjust "brutality" smears is actually protecting yourself. The stakes could be your home—or your life.

AWARD TO STROM THURMOND

Mr. HRUSKA. Mr. President, last Saturday, June 25, our colleague, STROM THURMOND, was honored by the Department of South Carolina American Legion. In recognition of his outstanding contributions to his community, State, and Nation, he was awarded the Distinguished Service Award.

Today I add my congratulations to Senator THURMOND for this well-earned recognition and to the South Carolina American Legion for its worthy selection.

STROM THURMOND has had a long and distinguished career both locally and nationally. He served in the legislative, judicial, and executive branches of his State's government before his election to this body 12 years ago. He was a practicing attorney and farmer.

His varied experience makes his counsel of great value. His military record and service was outstanding and his counsel concerning military preparedness has thus acquired added persuasiveness. His active role in State government gives urgency to his advocacy of the position that in many areas the States can simply do the better job.

He has a practical, commonsense approach to problems. And this approach is bottomed on a philosophy of government developed after long involvement with the intricacies of public affairs, civil and military; a deep love for our Constitution and respect for and trust in the people and their ability to govern themselves.

Senator THURMOND's varied career has brought honor to his name. And well it should, for he deserves the honors he receives.

Mr. President, I join the South Carolina American Legion in recognizing his contributions. I, too, salute this valuable and devoted service on behalf of his State and Nation.

THE CIVIL WAR WITHIN THE CIVIL WAR IN VIETNAM

Mr. GRUENING. Mr. President, while the administration is escalating the undeclared war in southeast Asia, apparently in the belief that it can bomb our folly to some successful conclusion, the political prospects which should have been kept paramount are declining. It could scarcely be otherwise in view of the character of the self-imposed junta of 10 generals, whom the United States is supporting.

Its Premier, Nguyen Cao Ky, whose one hero, by his own declarations, is Adolf Hitler, is using the weapons and materiel supplied by the United States to suppress the inevitable revolt in South Vietnam—the civil war within the civil war—which arises from his declared determination that the promised elections will be participated in only by those he and his fellow-generals approve. What a farce. We are supposedly and allegedly supporting freedom and democracy.

It is pertinent that 9 of the 10 generals composing the junta fought on the side of the French to reimpose its colonial rule on the people of Indochina. Obviously, a people long fighting for their independence, cannot be expected to be happy about the self-imposition of generals who opposed that independence.

This and much else is clearly brought out in a news dispatch in this morning's New York Times by its veteran correspondent, Charles Mohr, entitled: "U.S. Forces Frustrated in Political Aspects of Vietnamese War."

The obvious conclusion of his story would seem to be that we should not have been in southeast Asia militarily in the first place and should not be there now.

I ask unanimous consent that the aforementioned article be printed at this point in my remarks:

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

[From the New York Times, June 29, 1966]

U.S. FORCES FRUSTRATED IN POLITICAL ASPECTS OF VIETNAMESE WAR

(By Charles Mohr)

SAIGON, SOUTH VIETNAM, June 28—There is wide recognition that ultimate success or victory in the war in Vietnam will depend on political as well as military action.

The necessary political action, however, is difficult to implement.

It is difficult to bring the impressive weight of United States power to bear in rural South Vietnam without killing and maiming civilians as well as the guerrilla enemy.

It is difficult to find the manpower, administrative skill and determination in South Vietnam to carry out all of the desirable social, economic and political programs.

It is even difficult to give South Vietnam assistance without also causing inflation and subsequent public discontent about living costs.

On the purely military side, undeniable progress has been made.

REBELS' LOSSES HIGH

The Vietcong guerrillas still control almost as much territory and population as they did when full-scale United States intervention

began last year, but the Vietcong's momentum toward victory has been stopped.

Whether statistics are accurate or not, punishing losses are being inflicted on the Vietcong and the North Vietnamese regulars.

Some persons assume that the enemy cannot sustain such losses much longer. This is, however, only an assumption. As of mid-1966, the guerrillas in South Vietnam remain a formidable force, larger than a year ago.

"One of the encouraging trends is the difficulty we are having in getting them to fight recently," said an American general, explaining that this could mean that the effect of United States firepower was denying the enemy any prudent way to employ his troops.

American or South Vietnamese troops increasingly move into enemy base areas and stumble upon surprised guerrillas who, almost instinctively, stand and fight for as long as they can.

This is a complete reversal of the usual situation in guerrilla warfare.

Instead of picking their battleground, the guerrillas are finding it difficult to arrange profitable encounters and are obliged to fight in their own backyard.

VIETCONG HARD TO FIND

However, as the general also noted, the difficulty in engaging the enemy is a discouraging as well as an encouraging trend. Since the main thrust of the American military effort is to find and destroy enemy military units, any impediment to this process is unwelcome.

Progress is less evident on the political side of the war, and problems are abundant.

The United States military commander, Gen. William C. Westmoreland, has given special attention to the problem of civilian casualties and has admonished his troops that they must accept severe restraints on the battlefield.

But the high level of military activity and the need to save American lives are not always compatible with this policy. There are no statistics on civilian casualties, but a visit to any provincial hospital reveals many cases of victims of United States air and artillery power.

The Buddhist crisis in South Vietnam has had some effect on military progress. For many weeks the Government had more of its elite forces tied up on political duty, and lost control over at least one army division.

The Government of Nguyen Cao Ky has survived these difficulties. But Premier Ky's ability to stay in power through the use of police force poses a question that observers here are reluctant to answer.

Despite United States endorsement of the Premier, few Americans here would contend that he is an ideal instrument with which to wage a guerrilla war.

Enormous attention has been given to the question "Whom do the political Buddhists represent?" but whom, some observers ask, does Premier Ky represent?

In a way, the army. But even this is an oversimplification. The real answer is that South Vietnam does not have a Government closely identified with the mass of the population.

The most promising development of the year has been the rural pacification program. About 80 teams have begun to work in selected villages to root out Vietcong political workers, satisfy village complaints, provide some security and improve the standard of life. Other teams are in training.

TWO KEY FACTORS SEEN

This is only a minuscule beginning in a nation with 15,000 villages. Some Americans see serious flaws in the program and one of them thinks it has no more than 50-percent chance of success. But they find even such a prospect reason for good cheer.

The final outcome of the war will probably be decided by two factors.

One will be the pacification program. By common consensus the United States forces cannot be driven from South Vietnam by any means the North Vietnamese choose to throw against it. But the alien Americans probably cannot drive the Vietcong from the field, either, until the rural population joins in the effort.

The second factor is the determination of the enemy and his allies.

Until now, North Vietnamese infiltration into the South and local recruitment have roughly kept pace with losses suffered.

How long this equilibrium will continue may depend less on United States bombing than on North Vietnamese will power versus American will power. The North Vietnamese still have at their command large reserves to commit in the South. At the extreme, there is the threat of Chinese intervention.

"We've got a winning hand," said one American officer, "but we've got to bet it. I don't think you can bluff these people out of the game."

ORGANIZATION OF THE NATIONAL OCEANOGRAPHY ASSOCIATION

Mr. FONG. Mr. President, over the weekend an announcement was made in Washington concerning the formal organization of the National Oceanography Association. The organization was formed—in the words of a spokesman—to meet the "need for an organization through which thousands of members of the general public could express their interest and lend support for a greatly increased national effort in oceanography."

This is a most welcome development, as there is a growing recognition of the need to accelerate the tempo of this Nation's oceanographic efforts. We have lagged in this field in the past, and we still do. It is my hope that through the activities of groups like the National Oceanography Association, we will be able to make up for lost time and to strengthen, enlarge, and improve our current capabilities in marine science and technology.

The formation of the National Oceanography Association comes at a time when this Congress is making a good record in supporting oceanographic activities.

The Marine Resources and Engineering Development Act, approved by this Congress, was signed into law on June 10.

S. 2439, to establish sea grant colleges, has been reported by the Senate Labor and Public Welfare Committee. Hearings on a similar bill have been held in the House.

As a cosponsor of both the Marine Resources Act and the sea grant college bill, I am hopeful that the National Oceanography Association will help to promote public interest and support for the legislation during its implementation.

On this occasion I extend my warmest congratulations and wish for the National Oceanography Association many years of fruitful and rewarding activities in the advancement of oceanography.

I ask unanimous consent to have printed in the RECORD a press release describing the purposes and plans of the National Oceanography Association and listing the directors of the Association.

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

WASHINGTON, D.C., June 26.—A group of the top people in oceanography, including representatives of major companies, scientists and educators, are meeting in Washington today to formally organize the National Oceanography Association.

With the stated purpose of mobilizing public support for a "high priority, full-scale national oceanography program, making use of all necessary resources of industry, backed up by the U.S. Government", NOA is expected to be a powerful force in speeding developments in oceanography.

Those meeting here today are members of the first Board of Directors of the National Oceanography Association. The Board represents a broad cross section, including such well-known people as J. Louis Reynolds, Chairman of Reynolds International, Inc.; Admiral Arthur W. Radford, U.S.N. (Ret.) Former Chairman of the Joint Chiefs of Staff; Walter Cronkite, News Editor of the Columbia Broadcasting System; and Dr. William A. Nierenberg, atomic scientist and Director of the Scripps Institution of Oceanography. National officers will be elected at the meeting.

Plans are being made by NOA's blue ribbon board for a campaign of public information and education to stimulate nationwide interest and support for accelerating the research and exploration of the ocean, and making possible new uses of the ocean and its resources.

A statement issued by the organizing group in advance of the meeting said:

"Although important advances have been made in the field of oceanography in recent years, at the current rate of development of scientific knowledge and engineering skills, it will be many years before the United States can begin to capitalize fully on ocean resources. In the meantime, other nations (principally Russia and Japan) have been pushing ahead in what is clearly a race for control of these resources.

"So vast and complex are the problems of oceanography that their early solution requires broad public support for a high-priority, full scale national oceanography program in which all necessary resources of the U.S. Government shall be used to supplement those of industry. Such support is necessary to accelerate research, exploration and development of the ocean and thereby help to assure our nation's security and economic development.

"If the United States does not act quickly to develop the capability of possessing and controlling its marine environment, we may find ourselves in the same situation as when the first Sputnik was launched in outer space. Furthermore, in "inner space"—the ocean—there are great opportunities which are not being realized because of the slow pace of ocean development. The purpose of NOA is to help take advantage of the opportunities—for national advancement, for profit, for pleasure, and for meeting basic human needs—which lie just across the threshold of the ocean."

The first meeting of the Board of NOA culminates more than a year of organizational work involving discussions with many of the leaders in the field of oceanography. A spokesman for the organizing group said that it became apparent months ago that there was a need for an organization through which thousands of members of the general public could express their interest and lend support for a greatly increased national effort in oceanography. NOA was formed to meet that need.

BOARD OF DIRECTORS OF THE NATIONAL OCEANOGRAPHY ASSOCIATION

Vincent R. Bailey, Vice President & General Manager, Perry Submarine Builders, Inc., West Palm Beach, Florida.

Max Banzhaf, Staff Vice President, Armstrong Cork Company, Inc., Lancaster, Pennsylvania.

Dr. Thomas D. Barrow, Director, Humble Oil & Refining Company, Houston, Texas.

Dr. William T. Burke, College of Law, Ohio State University, Columbus, Ohio.

Dr. W. M. Chapman, Director, Division of Resources, Van Camp Sea Food Company, San Diego, California.

John H. Clotworthy, Vice President, Westinghouse Defense & Space Center, General Manager, Underseas Division, Westinghouse Electric Corporation, Baltimore, Maryland.

Walter Cronkite, News Editor, Columbia Broadcasting System, New York, New York.

Kenneth H. Drummond, Washington Representative, Texas Instruments, Inc., Dallas, Texas.

Harmon L. Elder, Vice President, Wilson E. Hamilton & Associates, Inc., Washington, D.C.

J. W. Guilfoyle, Group Vice President, Defense and Space Division, International Telephone & Telegraph Company, New York, New York.

Theodore W. Nelson, Senior Vice President, Exploration and Production, Mobil Oil Company, New York, New York.

Dr. William A. Nierenberg, Director, Scripps Institution of Oceanography, La Jolla, California.

Gordon Pehrson, Executive Vice President, International Minerals & Chemicals Corp., Skokie, Illinois.

Dr. David S. Potter, Head, Sea Operations Department, General Motors Defense Laboratories, Santa Barbara, California.

Admiral Arthur W. Radford, U.S.N. (Retired), Former Chairman Joint Chiefs of Staff, Washington, D.C.

J. Louis Reynolds, Chairman of the Board, Reynolds International, Inc., Richmond, Virginia.

Dr. Milner B. Schaefer, Director, Institute of Marine Resources, University of California, La Jolla, California.

Dr. Athelstan Spilhaus, Dean, Institute of Technology, University of Minnesota, Minneapolis, Minnesota.

Richard C. Vetter, Vice President, Marine Technology Society, Washington, D.C.

LAW OF THE LAND

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a thoughtful column written by David Lawrence entitled "'Law of the Land' in Simple Form." The column appeared in the Washington Star of June 23.

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

LAW OF THE LAND IN SIMPLE FORM

One wonders, sometimes, how people generally can learn what "the law of the land" is today on many subjects. There is, for instance, such a constant flow of opinions by the Supreme Court of the United States—often involving complex phrases and technicalities—that it is hard for the average person to know what's considered lawful or unlawful.

There is a glimmer of hope, however, in an opinion of the Supreme Court this week which puts in simple form "the law of the land" with respect to disorders and improper conduct, especially in connection with "civil rights" demonstrations. The Supreme Court says:

"First, no federal law confers an absolute right on private citizens—on civil rights advocates, on Negroes, or on anybody else—to obstruct a public street, to contribute to the delinquency of a minor, to drive an automobile without a license, or to bite a policeman. Second, no federal law confers immunity from state prosecution on such charges."

The issue arose because of the efforts of various defendants in "civil rights" cases to remove their trials from state to federal courts in the belief that they would get better treatment in the latter.

But Associate Justice Potter Stewart, who delivered the latest opinion of the majority of the court, says that merely alleging that the charges are false or that the defendant was prosecuted for reasons of color or race and may be unable to obtain a fair trial in a particular state court is not enough to remove a case from a state court to a federal court. The justice adds:

"The motives of the officers bringing the charges may be corrupt, but that does not show that the state trial court will find the defendant guilty if he is innocent, or that in any other manner the defendant will be 'denied or cannot enforce in the courts' of the state any right under a federal law providing for equal civil rights. The civil rights removal statute does not require and does not permit the judges of the federal courts to put their brethren of the state judiciary on trial."

There are cases which can be readily transferred from state to federal courts when there is an explicit provision of federal law which specifies the conditions for such a removal at the start of proceedings. Congress, of course, has the constitutional power to provide that federal issues shall be tried in federal courts or that jurisdiction should be shared, and in many instances appeals can be made to the U.S. Supreme Court from state court decisions. But "the law of the land" today, as pronounced by the majority of the court, reiterates, in effect, that no one can find legal justification for "civil disobedience."

Inevitably, as demonstrations increase in intensity and provoke more and more violence, the country will demand that Congress seriously consider the enactment of a law defining "incitement to violence."

It seems incredible that in free America—where auditoriums and stadiums and other facilities for speakers to address large crowds are available—it should be necessary nevertheless to engage in marches on the streets of big cities or on the highways. Many people are beginning to believe that the marches are deliberately undertaken with the idea of provoking violence so as to get more and more publicity and sympathy.

But this form of extremism is not likely to be effective in the long run because sooner or later, as prejudice increases, the law-enforcement authorities will have to begin denying permits. They may base their action on a belief that incitement to violence is involved or on the conclusion that measures of protection could not be made effective. It will then be necessary for the courts to decide whether the nature of the demonstration was provocative and whether ample protection could have been given.

An opinion of the Supreme Court of the United States once declared—and it is still, presumably, "the law of the land"—that free speech does not include the right to cry "fire!" in a crowded theater, thereby producing panic. Similarly, the right of "free assembly" can hardly include a right to obstruct traffic and carry on provocative demonstrations.

THE SELECT COMMITTEE ON STANDARDS AND CONDUCT—THE ETHICS COMMITTEE

Mr. MOSS. Mr. President, I rise to express my confidence in the integrity, impartiality, and sympathetic consideration given by the members of the Senate Ethics Committee to the problems presented to this group of Senators. Their assignment is not an enviable one. I am sure that no Senator would like to be cast in the role of sitting in judgment on any of his peers. The Senate has often been called a "club," and it is, in the sense that each of us has the deepest respect for the integrity of fellow Senators. But also, I think that each of us feels a deep obligation to the Senate as an institution, and certainly, an overriding obligation to our constituents and to the people of the United States to preserve, protect, and defend this great land of ours, and to protect and defend its institutions, one of the most important of which is the U.S. Senate.

Therefore, when I read that allegations of partiality or of prejudgment are leveled against one of the Senators, I feel it is my duty to rise and express my point of view. The Senator who is charged with having prejudged the case that is presently before the Ethics Committee is my colleague from Utah. In my opinion, such a charge is wholly unwarranted and should never have been made. It is apparent to all, from following the voting record, that my colleague and I very often differ in our approach to legislative matters, our political philosophy is quite different, and yet never in my experience has there been any reason for me to question the integrity, the honesty, or the good faith of the senior Senator from Utah. He is a man of honor, and of sound judgment. In my opinion, the other members of the committee are men of integrity, honor, and judgment.

Consequently, I rise to express myself now, that I have full confidence in their integrity and ability to perform the difficult task that has fallen to them. I am sure it will be done in fairness, both to the Senator who is appearing before the Ethics Committee, and in fairness to the Senate as an institution, and to the people of the United States. The chairman of the Ethics Committee is a jurist of long experience, rare judgment, and a gentleman in every sense of the word. My confidence in him is unbounded.

FIRST APPROPRIATION FOR COLD WAR VETERANS READJUSTMENT BENEFITS

Mr. YARBOROUGH. Mr. President, I regret that other Senate business kept me from being on the floor yesterday when the Senate passed House Joint Resolution 1180 making continuing appropriations for the fiscal year 1967.

The House and Senate Appropriations Committees are to be commended for including in the bill a special continuing appropriation for veterans receiving benefits under the cold war GI bill. This is the first appropriation which Congress

has made for veterans benefits under the cold war GI bill, an earlier appropriation having been made for administrative expenses involved in getting the program underway. I have worked toward this moment for a long time.

As one who worked for 7 long years to get for cold war veterans the readjustment they have earned, I am grateful to our Appropriations Committees for including this item in the continuing appropriation.

THE FAIR HOUSING PROVISION OF THE CIVIL RIGHTS ACT OF 1966

Mr. HART. Mr. President, as you know, the current hearings on the proposed Civil Rights Act of 1966 have revealed a wide divergency of views regarding title IV, the fair housing provision.

It is always interesting and useful to learn the views of persons whose work would be affected by the particular type of legislation under consideration. Therefore, it was gratifying and refreshing to receive a copy of a press release supporting the fair housing provision by the Detroit Real Estate Brokers Association, Inc. In spite of the fact that several real estate brokers associations have indicated their opposition to the proposal, this association has reached the laudable conclusion that equal housing opportunities should be enjoyed by all Americans.

I therefore ask unanimous consent that this press release be printed at this point in the RECORD.

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

[A Detroit Real Estate Brokers Association, Inc., press release, Jan. 24, 1966]

The Detroit Real Estate Brokers Association believes in "Democracy in Housing." That equal access to housing is a fundamental right of every American citizen. We further believe that every American citizen should have the same right and the same privilege to rent, lease, mortgage, buy and sell the home of his choice in the neighborhood of his choice based only upon his economic ability.

Artificial restrictions upon the rights of certain Americans, and particularly Negroes, and other members of minority groups, have no bases of right, under any fundamental law of man or God.

The Detroit Real Estate Brokers Association wholeheartedly supports the proposed Civil Rights Act of 1966 and especially Section 4 thereof, in respect to equal housing opportunities.

Our Association deems it most regretable that all persons and organizations in our Country do not believe these rights extend to all Americans. That legislation is still needed to implement the basic law and one of the fundamental propositions upon which our Country was founded that "ALL MEN ARE CREATED EQUAL" is a sad commentary, indeed, while America is assuming a position of world leadership, and is endeavoring to instill in the world community of nations the principle that basic human rights are to be enjoyed by all men in a free society.

DETROIT REAL ESTATE BROKERS ASSOCIATION
CLARENCE HUDSON, *President.*
By JOHN S. HUMPHREY,
Chairman, Legislative Committee.

THE LIBRARY SERVICES AND CONSTRUCTION ACT

Mr. TOWER. Mr. President, it was my good fortune to be present on the floor last week at the time of passage of the Library Services and Construction Act. I merely want to take a minute or so now to commend the bill, which passed by a voice vote.

This legislation extends and broadens the provisions of the Library Services and Construction Act passed in 1964 but which would have expired on June 30, which is tomorrow.

I have always been concerned with the possibility that Federal involvement in programs of this sort will usurp the responsibility of local and State authorities, and I believe there is valid reason for this concern. Certainly we are all aware that frequently we see a lessening of State responsibility and authority in the same case where Federal power increases when so-called cooperative programs are embarked upon.

Happily, though, this has not been the case with the program of Federal assistance for local library services and for library construction. I do not believe that in this case Federal involvement has resulted in a loss of local responsibility and initiative in any significant degree.

Library officials and local officials in my State have indicated their support of the program and their hope that it will be extended. Rather than simply extending the program, we have seen fit to broaden its scope so that those 12 million people in this country who have no access to libraries may soon receive these benefits.

The history of this Federal-State program has proved its worth; the objectives of the program are worthy, and I am happy that the program was extended.

RESOLUTIONS ADOPTED BY UAW ON INTERNATIONAL AFFAIRS

Mr. MONDALE. Mr. President, the recent convention of the United Auto Workers in Long Beach, Calif., adopted a series of bold and thoughtful resolutions proposing a variety of ways to ease world tensions. The UAW's foreign policy resolutions are a valuable source of information to those in the United States who are looking for new pathways to peace.

We all know that there are no simple answers to the troubles on our globe. I do not necessarily agree with everything the UAW proposes here, but I believe that these resolutions are worthy of our most careful attention. We must keep exploring new avenues toward peace, and toward the economic development which will permit the world's peoples to live in dignity as well as harmony.

The UAW's foreign policy resolutions are not blind to the hostile challenges of Communist nations which frustrate our search for peace. But the UAW, like most Americans, realizes that there are many changes taking place inside the Communist world which wise policymakers cannot ignore.

Mr. President, I believe that the UAW's resolutions adopted on May 21 of this year in California represent a fine example of practical idealism among American trade unionists, and I ask unanimous consent that they be printed at this point in the RECORD.

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

RESOLUTIONS COMMITTEE RESOLUTIONS
INTERNATIONAL AFFAIRS

All the hopes of the people throughout the world hang upon the fundamental question of war and peace in an age which has developed both weapons of total destruction and the tools for creating universal abundance and well-being.

The great challenge before the human family, which transcends every other question, is: how will man use his creative genius? To what purpose will he harness the power of the 20th Century Technological Revolution? Will he continue to forge the weapons of over-kill and total self-destruction? Or will he apply the tools of science and technology to the rewarding purposes of peace—to the affirmative tasks of winning the wars against poverty, disease and ignorance, and building a rational and responsible world community in which all men whatever their differences and diversity, can live in peace.

The crisis in our world takes many forms: economic, political, military. Yet fundamentally it is not essentially military, political or economic in character. The crisis in the world is essentially a moral crisis, and only a moral commitment will check our drift toward war and disaster. All the military power, all the political know-how, all the economic wealth of the planet, will not save us from catastrophe unless governments and peoples decide in favor of the moral alternative to war—the task of building a rational world community.

All the nations of the world are prisoners of the arms race. It is estimated that this year they will spend in excess of $200 billion for armaments as the means of strengthening national security. And yet, after this fantastic sum has been expended for new and more destructive weapons, the world will be less secure. The stalemate of terror will merely have been raised to a higher and more dangerous level.

If man is to survive, then he must heed the words of President John F. Kennedy in his historic speech to the United Nations General Assembly:

"Today, every inhabitant of this planet must contemplate the day when this planet may no longer be habitable. Every man, woman and child lives under a nuclear sword of Damocles, hanging by the slenderest of threads, capable of being cut at any moment by accident or miscalculation or by madness. The weapons of war must be abolished before they abolish us."

The long suffering peoples of the have-not nations of the world in Africa, Asia and Latin America sense the possibilities of the technological revolution and with their still inadequate tools are struggling impatiently to attain a standard of living and education and health which they know is possible. And out of their knowledge and yearnings and impatience, they have created the Revolution of Rising Expectations.

The struggle of these have not peoples to catch up with the material well-being of the advanced industrial nations is intimately related to the overriding problem of world peace, and in this nuclear age where peace is a condition of human survival.

Humanity stands at a fateful crossroads. We must grasp every opportunity to shift the world struggle away from a negative nuclear arms race that nobody can win, toward a

positive contest between different social systems—one totalitarian, the other committed to freedom and personal dignity—a contest which will reveal to all people everywhere which system can better provide for man's material and spiritual needs. We need have no fear of the outcome of such a contest.

To win it we must forge a grand alliance of the free nations for the waging of the peace, and we must commit massive resources to that purpose as unsparingly and unhesitatingly as we have committed them when we were at war. We must make centuries of economic and social progress in the next generation in Asia, Latin America and Africa—if we are to succeed in making both peace and freedom secure.

Vietnam

We are all deeply concerned about Vietnam, and President Johnson has our prayers and our moral support as he wrestles with the agonizing problem of finding the way to transfer the conflict from the battlefield to the conference table.

The instability of the political situation in South Vietnam has intensified efforts on the part of those who, on the one hand, naively believe that this tragic confrontation can be settled by unilateral withdrawal of U.S. forces which would create a vacuum which the communists would fill, and those who, on the other hand, urge a further escalation of the war, which could trigger either a nuclear holocaust or our direct involvement in a struggle with Red Chinese troops.

The UAW has repeatedly rejected these unacceptable alternatives. Those who encourage either a spirit of defeatism or stimulate an emotional and unreasoning climate for a wider war undermine the continued hopes of our nation and the peoples of Asia, for a peaceful settlement with international guarantees against aggression. While rejecting these unacceptable alternatives, we must continue to explore and give serious consideration to other possible alternatives to finding the way to peace in Vietnam.

There is no easy answer to the Vietnamese dilemma. The tragic lessons of history have taught us that appeasement of aggression invites further aggression. On the other hand, our nation must be careful to avoid taking actions in the cause of resisting aggression that will increase the danger of the larger war the President and all of us want to avoid.

It has been clear from the outset that there can be no purely military solution to the Vietnam problem and that the parties to the conflict must be brought to the conference table. On April 7, 1965, President Johnson in his historic speech at Johns Hopkins University made an offer to enter into "unconditional negotiations" aimed toward a peaceful settlement. This and subsequent initiatives by the President for peace discussions have been summarily rejected by Hanoi and Peking. Efforts on the part of other world leaders have been equally rebuffed:

A formal appeal by 17 nonaligned nations;

The proposal by the British government to send Patrick Gordon Walker to Hanoi and Peking;

Initiatives by UN Secretary-General U Thant;

A cease-fire proposal by Indian President Radhakrishanan;

The peace conference proposal by Canadian International Control Commission member J. Blair Seaborn;

The suggestion by British Commonwealth Prime Ministers that Prime Minister Wilson undertake a mission to Vietnam, China and Russia;

The speech by U.S. Senate Majority Leader MANSFIELD enlarging on the U.S. proposal for unconditional negotiations, including a "cease-fire and standfast" at present military positions during negotiations;

Repeated efforts by Pope Paul climaxed by his historic appeal at the U.N.

Tragically, all these efforts directed toward peace negotiations were rejected by Hanoi and Peking. And even the extended cessation of bombing last December and January coupled with an intense United States peace offensive was without avail.

Despite the frustrations and disappointments encountered in specific peace efforts, there is no cause for despair nor justification for reckless actions or escalation. Our goal must continue to be an end to aggression and a viable peace through negotiations. The Vietnam crisis is as much a test of our will to press forward in the search for a just and viable peace as it is to resist aggression.

The clear and present danger is that those who advocate escalation of the war in Vietnam, who would unleash the full wrath of our destructive power to knock out all resistance, might overwhelm those with clearer sight who realize that this war is not to be won but to be settled, if we are not to hazard world-wide conflict in the age of the thermonuclear bomb. We must reject the advocates of brinkmanship who in the false name of nationalism and under the slogan of total victory would drive us into a war of mutual annihilation.

The UAW is encouraged by the growing popular pressure in South Vietnam for the election of a civilian government which could enjoy wider support among various religious groups, students, workers and peasants. The will of the South Vietnamese people to bear the continued burdens of the struggle against aggression must be strengthened by the election of a government which enjoys popular support and affirmatively promotes urgently needed economic and social reforms. The U.S. should continue by every means available to encourage the earliest possible scheduling of democratic elections directed toward the establishment of a representative civilian government and, as President Johnson has asserted, must be prepared to "honor their result". We should support efforts to have U.N. observers present in the period immediately before and during the election to insure that the will of the people is expressed free of interference or intimidation.

The UAW urges continued unremitting efforts to achieve a negotiated peace. The ultimate solution to the Vietnam crisis cannot be found except in the joint effort of the world community to bring peace to that troubled and war-torn area. The nations of the world must continue to press for negotiations to end the conflict and employ every possible means to attain this objective. The United States should not lose heart by reason of the many previous rebuffs by Peking and Hanoi but rather should continue, through its own diplomatic channels and through the U.N., to pursue every possible initiative which can facilitate bringing the conflict to the negotiating table.

The ultimate goal is not victory over a human enemy but rather victory over the scourges of poverty, hunger, ignorance and disease which afflict the people of Southeast Asia. President Johnson has committed vast resources to the economic and social development of Southeast Asia—to the tasks of peace which alone can insure social and economic progress as the bases for understanding and a just and stable peace. Such a program, once set in motion, will permit the people of this tragic, war-torn area at long last to turn their attentions and energies to the reconstruction of their own country and their own lives and will simultaneously permit the people of the United States to devote a greater measure of their energies and resources to the tasks of building a greater society here at home.

Red China

Looming beyond Vietnam is the broader question of the relationship of the free world with Communist China, with its 700 million people organized as a militant state. The Senate Foreign Relations Committee performed a valuable service in focusing public attention on this little-known but important country which has become so virulently hostile to the United States and has deliberately isolated itself from the vast majority of the nations of the world.

Red China's belligerence is symbolized by dictum of Mao Tse-Tung that "all political power grows out of the barrel of a gun." Red China's constant saber-rattling and defiant hostility keep the world on edge; yet, however enigmatic and belligerent Red China may be, the U.S. must reappraise its position toward that vast country. The isolation of Mainland China has been in major part the result of deliberate choice by its communist rulers. Their isolationist policy is made easier, however, as are their efforts to increase the suspiciousness and stimulate the aggressiveness of the Chinese people, when other countries cut themselves off from all contact with Red China. Continued isolation of Red China aggravates the danger to world peace.

The United States needs to re-evaluate its policy and develop a more realistic attitude toward Red China. Vice President HUMPHREY has called for a rational new approach to the problem of Red China; containment but not isolation. Red China's 700 million people must be brought into the family of nations where their government will find it necessary to rely increasingly upon the force of politics rather than upon the politics of force.

Knowledgeable U.N. spokesmen advise it is virtually certain that Red China will be offered membership in the United Nations in the near future. But, unless the leadership of Red China is willing to accept the spirit of the U.N. Charter and ceases to demand unacceptable conditions as a basis for admission into the U.N., Red China, as a matter of its own choice, will continue to remain in isolation outside the family of nations. The United States should revise its position to avoid the continuing impression in the world that Red China remains outside the United Nations only because of United States opposition to its admission.

The UAW concurs with the National Council of Churches that the time has come to "develop a new policy of support to the seating of the Peoples Republic of China in the United Nations." This in no way implies approval of Red China's policies. But if Red China does meet the conditions of the UN Charter and accepts membership, it would inevitably become more sensitive to the restraining influence of world opinion. It is reasonable to hope that this would reduce Red China's truculence in world affairs.

Meanwhile, moreover, we and the other Western nations have every interest in moving by stages toward normalizing relations with Red China—including encouragement of a greater flow of people, information and trade—in an effort to "defuse" its militant belligerency.

Our primary objectives in international affairs

Primary among our immediate international objectives are (1) mounting a massive attack on poverty in the underdeveloped world; (2) taking vigorous steps to support the democratic, reform-minded forces in Latin America; (3) rebuilding a viable North Atlantic Community in which we emphasize a positive peace-building role; and (4) encouraging and further developing peaceful relations with the Soviet Union and Eastern European nations.

The Soviet World

In the Soviet Union and the communist-dominated states of Eastern Europe, the

winds of change have been blowing strongly for a decade. The significance of this is enormous for the entire world. Ever since Khrushchev toppled the grim edifice of Stalinism, the people in the Soviet Union are reaching out for more freedom from rigid control and are pressing for a larger share of the national product to raise their living standards. As the New York Times stated after the recent 23rd Soviet Party Congress:

". . . the Communist leadership seems determined to keep the Soviet Union out of war . . . (and) to concentrate its energies and attentions on itself, the betterment of its own society and people."

The UAW urges the United States government to take steps to further encourage and broaden peaceful relations with the Soviet Union and Eastern European countries, including programs of expanded trade and cultural exchange. We support President Johnson's proposal that he be empowered to extend most-favored-nation treatment to exports from those countries.

NATO and the Atlantic Community

At the end of World War II, only the United States among the technologically advanced countries of the West had its economic strength intact. The growth of its productive potential was stimulated by the conflict, while its cities and countryside were spared from destruction. Western Europe was devastated and its people weary. They were insecure and mistrustful of communist intentions, and fearful of the massed troops of the Red Army at their borders. The first priority was the reconstruction of Western Europe's shattered economic and social structure—to reestablish living standards and to provide the strength to resist aggression from the East. The Marshall Plan stimulated the recovery and reconstruction of war-torn Western Europe. Mutual suspicion between the Eastern and Western blocs of nations did not abate, however. Under the shadow of fear of communist aggression, the North Atlantic Treaty was signed in 1949, and NATO was organized in 1950 to deter the Soviet Union, which appeared bent on the conquest of all Europe.

The swift recovery of Western Europe was an almost incredible achievement. But as economic prosperity and social reconstruction restored the strength of Western European nations, and as the threat of aggression receded, NATO began to lose its sense of purpose and to come apart at the seams because the reason which fostered its creation no longer existed. NATO today needs an entirely new direction and a new sense of historic purpose. General de Gaulle's divisive role dramatizes the need for developing a cohesive influence in the Western community of nations based not on the negative fear of war but on the affirmative hopes for peace and assistance to the needy nations. Thus, Europe today, must be ready for a new role and a new challenge.

Nowhere in the world can the revolutionary American tradition and the soaring idealism of our people be applied so creatively to the problems of so many people as in this hemisphere. The hopes of all, except a small minority of the quarter of a billion Americans from the Rio Grande to Cape Horn soared when the announcement of the Alliance for Progress sounded its signal for lifting the burdens of poverty and building a better life for all in this hemisphere.

President Johnson, only last month in Mexico City, again affirmed what must be the central purpose of our nation's policy in this, the American half of the world: our unqualified commitment to democratic social reform from the Arctic to the Antarctic, from the Atlantic to the Pacific in all the languages we speak.

In the world political arena where the fate of democracy is at stake, we must seek to tie our prestige and our reputation with the forces which strive for democratic social reform—forces whose aim is not to oppress the workers and the peasants with military dictatorship, but to lift them to a life in which they will enjoy peace, bread and freedom.

The new challenge—the third world of poverty

The new challenge is clearly and dramatically present. It is there both for Europe and the United States to see. The challenge is this: while Europe and the United States are enjoying unprecedented prosperity, two-thirds of the world is engaged in a desperate struggle to escape from the most wretched and agonizing poverty.

For the balance of this century, second only to keeping the peace, the United States and Western powers face no greater challenge than that of helping the poor nations climb the steep slope to a decent life. Both for reasons of the most elementary concern for our fellow human beings, and also because our own self-interest and security require it, the U.S. and other industrial nations must now make it their central strategy to mount a massive program of economic aid and technical assistance to the poor countries on a scale which they have never before even contemplated. What is needed is a sense of priorities and urgency such as characterized the Marshall Plan, and a scale of aid commensurate both with our vast resources and with the great and importunate need in the poor countries.

It is very difficult even for compassionate Americans to understand fully what it means for 500,000,000 Indians to live on a yearly income of $90 per person. We Americans are 38 times better off than the Indians. Yet it is not just the Indians who live in deep poverty. Today, it is shocking but true that 54 percent of the world's people live in 39 countries where the per capita income is less than $125 a year. They make up more than half of the world's population, but they have less than 10 percent of the world's income. Meanwhile, the most prosperous third of the world's population, living mostly in Europe and North America, enjoys 87 percent of the world's income.

Even more alarming than this lopsided distribution is the fact that the huge gap between the rich and poor nations is widening every year. While Europeans and Americans grow wealthier at a rapid pace, the poor countries are running very fast to stand nearly still. Even while working hard, the average Asian, African and Latin American managed to add only $1 to $2 per person to their miserable national incomes, last year, while their cousins in Europe and North America jumped their per capita income—which was already comfortable—to an impressive new high. In the United States, per capita income rose by $190 during 1965; this is more than the total per capita income of three-quarters of the world.

The widening of the gap between rich and poor nations is accentuated by the tendency of population growth in the latter to nearly match, and in some cases, actually to outpace the growth of production. The developing countries have had to struggle and sacrifice to raise production in order barely to hold their own in terms of living standards.

The solution to this problem, although not easy to apply, is nevertheless clear. The emerging nations must be encouraged and helped to develop and implement effective programs of population planning suited to their respective cultures and traditions. We call upon the governments of the United States and Canada and upon the United Nations to give this problem the attention it urgently requires and to mobilize and provide the necessary intellectual and material resources without delay.

No real peace can be possible so long as the rich become ever richer, while the poor appear to be condemned to a vicious circle of poverty, disease and hopelessness. No amount of military force can contain the violent upheavals which misery and despair can, and probably will, unleash. No one can or should expect that two-thirds of the world will accept indefinitely to live in the relentless hell of extreme poverty while they see others enjoying the riches and comforts of the world.

The challenge is great, and so is the danger if we ignore it. If the gap between the rich and poor nations continues to widen at the present rate, the U.S. could easily find itself faced with a dozen Vietnams—violent explosions of desperate men in Asia, Africa and even Latin America which would be far more costly to contain militarily than to prevent by economic action now.

The need for economic assistance in the underdeveloped countries is so great that it seems to overwhelm many people with a sense of hopelessness by its sheer immensity. However, it is by no means beyond the capacity of the industrialized nations to mount a program adequate to the needs of economic and social development in these poor countries without excessive sacrifices. At the present time, the United States foreign economic aid program costs only one-third of one percent of our huge Gross National Product.

The level of U.S. aid today contrasts sharply with the fact that, under the Marshall Plan, the American people, faced with another great challenge, committed two percent of their Gross National Product to foreign aid.

The UAW believes that there is no more urgent need than for the American people and their government to face up to the immense challenge and danger which lies in the huge and growing gap between the rich and poor nations, and to rapidly mount a plan of action on a scale sufficiently large to deal with it. This is no moment for timid souls or shortsighted thinkers. We will need to mobilize important resources in our own nations. The industrialized nations must be prepared to allocate economic resources and provide technological aid equal to the dimensions of the problems. The United States must be prepared to make a contribution to such a joint effort equal to 2 to 3 percent of its Gross National Product per year for the next 25 years.

If this seems a great deal of money—and it is—we must ask ourselves how much more costly it will be if dozens of impoverished countries erupt into other Vietnams. The economic cost would be greater and the troops cost in human life is beyond measurement. We must also ask ourselves how we can sleep at night if, in our growing prosperity, we are unwilling to contribute an adequate though small fraction of our wealth to help our fellow men escape from the grimmest kind of poverty.

We applaud President Johnson's quick and deeply human response to the danger of famine in India, and hope that this will only be the prelude to a far-reaching revision of the foreign aid program on a vastly greater scale. We urge that the President personally take the lead to see that this growing and urgent challenge receives the highest possible priority in our government's planning and action.

Our economic aid programs and policies must always be guided by the principle that the purpose of aid is to help the poorer nations help themselves—not to perpetuate economic dependency but to enable them to free themselves from dependency so that they may stand on their own feet as masters of their own fate.

We also support the view that U.S. aid be put on a multilateral basis. We agree that

economic aid should be channeled through international organizations specially equipped for the task, like the World Bank and the International Development Association. Being without political ties, and not subject to political pressure, these organizations can far more easily offer the kind of advice which insures most effective use of aid funds without unfortunate political repercussions.

The true vocation of the United States in the world is its own democratic revolutionary one. Its true role is to rally its own people and to help rally the people of other prosperous nations to extend a helping hand to those billions of human beings who live in terrible hunger, indignity and despair. Its true goal is peace with justice and dignity for all men. We need not to be ashamed of being idealistic in this regard, for idealism in our time is the highest form of realism. And idealism is America's sharpest sword.

In this world's quest for peace and justice, the UAW believes that the United Nations can play, and must play, a far larger role than has been accorded it in the past. It has long been buffeted by the strains of the Cold War, and has experienced growing pains in absorbing many countries newly grown to nationhood. It has also known severe financial difficulties which have restricted its scope. But despite these problems, the United Nations is the only organization in which all countries can get a hearing, and it provides the best possible forum for talking and working out the many problems involved in building a solid peace.

The need now is to strengthen this world body so that it can play an ever broader role with greater confidence and effectiveness. It needs more tools and funds for its technical agencies like the Food and Agricultural Organization and the UN Development Fund. It also needs to have adequate machinery and funds to establish a permanent UN peace force which can be available to meet crises wherever they may occur. Most of all, perhaps, it needs the understanding of the people of the world that if the UN fails, or its role is constricted, we all fail and the family of man is doomed to self destruction.

This is the hour for the building of universal understanding and human solidarity so that we can harness the Twentieth Century technological revolution to the rewarding purposes of peace, freedom and social justice.

FREE WORLD LABOR DEFENSE FUND

Whereas: The lessons of history have taught us that the struggle for peace, freedom and social justice are inseparably bound together and that we can make these values secure only as we make them universal.

As the 20th Century technological revolution makes the world smaller, the people of the world are more and more becoming neighbors, and the threat to peace in any part of the world threatens the peace everywhere in the world. Likewise, we have learned that a denial of economic and social justice and the subjection of people to oppression, poverty, ignorance and disease creates social unrest and political turmoil which in turn threaten the peace of the world.

We in the UAW have sought to play an increasingly active role in the continuing struggle for economic and social justice for the building of a better life in a better world. The 18th Constitutional Convention of the UAW in 1962 created the UAW International Free World Labor Defense Fund to enable us to more effectively support the workers in Asia, Africa and Latin America to build free trade unions and to achieve a fuller measure of economic and social justice. In the ensuing years our efforts have been dramatically successful and we have given meaningful support to the efforts of workers in these other countries. It has become increasingly evident, however, that, if we falter in our efforts to realize democracy's promise here at home, we can hardly hope to maintain leadership among those nations which seek a better life for their people within the framework of democratic freedom and democratic values.

The persistence of poverty and deprivation in our own land, the denial of civil rights to millions of our citizens, the ugliness and decay of our cities, the inadequacy of our educational system and health facilities and other unmet needs diminish the authenticity of our credentials as leaders when we seek to help our neighbors in underdeveloped nations to end their poverty and to achieve for themselves a greater measure of economic and social justice. The fundamental struggles in the world is moral, economic, social and political. It is unrealistic to believe that we can provide effective leadership in that struggle and turn the tide toward democracy on other continents if we lack the social vision and boldness to build a Great Society for ourselves.

The efforts we are making beyond our borders through the UAW International Free World Labor Defense Fund, effective as they are, could be made much more effective if the image fostered abroad were not tarnished by the persistence of the ills within our own society. We must recognize that the efforts we have already made in the world arena through use of the International Free World Labor Defense Fund, and those we shall continue to make in the years ahead, must be reinforced by greater efforts on the home front to create the kind of society whose credentials for world leadership are beyond all reasonable dispute.

The inter-relationship between the national and the world struggles for peace, bread and freedom makes it only natural that the purposes for which the International Free World Labor Defense Fund was originally established should be applicable both on the home front and the world front. Therefore, be it

Resolved: That this Convention authorizes the International Executive Board to release monies from the International Free World Labor Defense Fund for domestic as well as world actions designed to further the broad and sweeping aims of the solidarity program; authorization for the use of these monies should be directed toward providing increased support and leadership in the war against poverty at home, the defense of Constitutional rights and the opening up of equal opportunities for all our people, the improvement of the quality of our society in our cities and rural areas, and for other similarly broad and essential purposes which will have the effect of strengthening us at home and rendering more credible and effective our world leadership in the global struggle for peace, freedom and justice.

VATICAN'S BIRTH-CONTROL STUDY PROGRESSES

Mr. GRUENING. Mr. President, Pope Paul VI has received the final report of his commission to study family planning. The study has not been done in haste. It has required nearly 3 years, and it has been done by outstanding, well-qualified laymen and clergymen.

It is gratifying news that the Vatican Council is moving.

According to a news story by Mr. Robert C. Doty, which appeared in the New York Times this morning, datelined Rome, June 28, the report was delivered to the Holy Father by Julius Cardinal Dopfner, archbishop of Munich, a vice president of the commission.

There is speculation that the report contains a majority view that the Roman Catholic Church "could authorize certain family-planning techniques, notably the use of a pill to regulate the female menstrual cycle, without violence to basic theological and doctrinal principles." Some commission members, according to the news story, felt that other methods of contraception, even mechanical, were in keeping with the definition of "responsible parenthood."

But it must be remembered that the final decision of the Roman Catholic Church will be made by Pope Paul VI. He has received a voluminous and carefully compiled document to study. His study will require sufficient time to read and examine the material.

The decision of the Holy Father will be his and for him during this time of deliberation we offer our prayers.

I ask unanimous consent that the full text of the New York Times news story to which I have referred appear in the RECORD at the close of my remarks.

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

[From the New York Times, June 29, 1966]

BIRTH-CURB PANEL GIVES FINAL REPORT TO POPE FOR STUDY

(By Robert C. Doty)

ROME, June 28.—Pope Paul VI today received the final report of his commission to study family problems and spent an hour with a cardinal who is a member of the commission and who is reported to favor liberalization of the church ban on artificial contraception.

Julius Cardinal Dopfner, Archbishop of Munich and a vice president of the commission, delivered the report, which was completed Saturday after nearly three years of study by 60 experts, both laymen and clergymen.

A majority of the commission is reported to have supported the view that the Roman Catholic Church could authorize certain family-planning techniques, notably the use of a pill to regulate the female menstrual cycle, without violence to basic theological and doctrinal principles.

A substantial body of opinion was said to have argued for acceptance of even mechanical contraceptive devices to permit Catholic couples to exercise the "responsible parenthood" endorsed by the Ecumenical Council.

POPE HAS FINAL SAY

These opinions of the majority, together with those of a minority urging maintenance of the ban on any form of birth control except the "rhythm" method based on the woman's fertility cycle have only an advisory quality. Pope Paul will make his own decision.

There was speculation why Cardinal Dopfner, one of two vice presidents of the commission, delivered the report instead of Alfredo Cardinal Ottaviani, Pro prefect of the Congregation for the Doctrine of the Faith, who is the commission president. He is an arch-conservative. No official explanation was obtainable.

Whatever the reason, the Pontiff received the report from the hands of one who has

been a leader in the progressive movement in the church.

THE 34TH ANNIVERSARY OF THE CHARTERING OF THE DISABLED AMERICAN VETERANS

Mr. PELL. Mr. President, I am happy to note the 34th anniversary of Disabled American Veterans as a congressionally chartered national organization.

Founded December 25, 1919, in Cincinnati, Ohio, as a single-purpose organization to promote improvement of inadequate government services to disabled American veterans, the meritorious purposes of the DAV were given congressional recognition with the passage of Public Act by the 72d Congress in 1932. As a result, the DAV became a Federal, nonprofit organization.

As the official voice of disabled veterans, the DAV employs 150 professionally trained disabled veterans as an officer corps. These officers have provided for free assistance to disabled veterans and their families in obtaining medical aid, rehabilitation, and employment.

I hope that Americans will become increasingly aware of the outstanding services of the DAV. I hope, also, that Americans realize that expenditures for disabled veterans' benefits are not government welfare payments. They are part of the cost of war, for which responsibility must be taken.

DAV serves disabled veterans of Vietnam just as it has served disabled veterans of other military efforts in the protection of the United States.

As a U.S. Senator from Rhode Island, I am most appreciative of the service performed by the DAV in my State. Those people of Rhode Island so tragically affected by the devastation of war are having an important need answered by the DAV.

Today DAV continues to serve disabled veterans throughout the Nation through 1,834 local chapters with a total membership of 231,000. There are 21 local chapters in Rhode Island with total membership of 1,606.

It is a privilege to honor an organization so dedicated to a important, continuing need in our country today.

NATIONAL MILK PRODUCERS SUPPORT SEPARATE SCHOOL MILK PROGRAM

Mr. PROXMIRE. Mr. President, on Tuesday, June 21, the National Milk Producers Federation testified on Senator ELLENDER'S bill to amend the School Lunch Act as well as the special milk program for schoolchildren. At that time the organization's spokesman, Patrick B. Healy, brought out very clearly the dangers of consolidating the milk and lunch programs in one piece of legislation.

In the words of the Federation:

> It is our judgment * * * that the program can best be administered and provide the most good for the greatest number of children if it remains separate from the National School Lunch Act.

Mr. Healy went on to say:

> We are fearful that the closer we bring the school milk program and school programs of other kinds together, the more certain we are that they eventually will be combined, and, then, there will be less milk and less other foods made available to children.

This morning the Senate Agriculture Committee is meeting on the Ellender bill as well as my legislation to make the school milk program permanent. I am very hopeful that the committee will take action to reaffirm the separate character of the school milk program—both for the benefit of the Nation's farmers and on behalf of the Nation's schoolchildren.

CRIME DOES PAY, SO COURTS SAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an editorial which appeared in the Wheeling, W. Va., News-Register of June 15 entitled "Crime Does Pay, So Courts Say."

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

CRIME DOES PAY, SO COURTS SAY

It is no surprise that this country's law enforcement and prosecuting authorities have expressed serious concern over the latest ruling of the U.S. Supreme Court which places sweeping limitations on the power of the police to question suspects in their custody.

The majority opinion, delivered by Chief Justice Earl Warren declared that the 5th Amendment's privilege against self-incrimination comes into play as soon as a person is within police custody.

Consequently, the prosecution cannot make use at a trial of any admissions or confessions made by the suspect while in custody unless it first proves that the police complied with a detailed list of safeguards to protect the suspect's right against self-incrimination.

The suspect must have been clearly told that he may remain silent, that anything he says may be held against him, and that he has a right to have a lawyer present during an interrogation.

If the suspect desires a lawyer but cannot afford one, he cannot be questioned unless a court-appointed lawyer is present.

The Justices split 5–4 on the ruling with stinging dissents from the minority denouncing the decision as one that helps criminals go free to repeat their crimes. Justice John M. Harlan said the decision was a "dangerous experimentation" at a time of a "high crime rate that is a matter of growing concern."

Justice Byron R. White said, "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."

This trend by the courts in giving criminals the upper hand over society has been going on now for several years. And there is a possibility that we haven't seen the end of this dangerous practice. In fact the Supreme Court next Monday will determine whether the rules announced Monday will be applied retroactively to void old convictions, or applied prospectively to void cases that have not reached the final appeal stage. If such becomes the case we can look for the prison gates and jail doors to swing open wide once more to turn loose hundreds and hundreds of hardened criminals through a legal technicality.

Recent court decisions which allow prisoners to win their freedom after claiming they were denied their constitutional rights during their original trials already has cut our prison population almost half of what it was five years ago in West Virginia. Litigation, plus paroles and probation have caused the wholesale release of criminals, thus compounding the problems of the already overworked law enforcement agencies.

Meanwhile the crime rate soars and in many of our larger cities women and men fear for their safety when going out on the public streets after dark. The police feel helpless when after lengthy investigation arrests are made but the guilty are set free because of fancy legal maneuvering.

We are at a loss to understand why we can send young men into Viet Nam who have committed no crime and who would be prosecuted if they failed to go, and they go to their deaths as a matter of supposedly securing our lives and property. Then we take some man who has committed a fiendish crime upon some defenseless child or woman, and we suddenly become terribly sympathetic with him and decide he's not such a bad fellow after all. What inconsistency. We certainly are making a shambles of the old saying, "Crime Doesn't Pay."

PROBLEMS OF A LARGE CITY SURROUNDED BY MOSTLY ALL WHITE SUBURBS

Mr. BREWSTER. Mr. President, recently a conference of mayors was held in Dallas, Tex. At this conference, the distinguished mayor of Baltimore, the Honorable Theodore R. McKeldin, delivered a paper entitled, "The Problems of a Large City Surrounded by Nearly All White Suburbs."

This thoughtful dissertation discusses the related problems of keeping the central city economically healthy and eliminating racial discrimination from all phases of urban life.

Referring to the complexity of the latter problem, Mayor McKeldin says, quite correctly, I think:

> I am not rash enough to claim that in Baltimore we have established justice under law, but I do believe we have gone far enough toward that goal to prove that the remedy is not in law alone. The power of legal authorities is negative. They can, and they must, prevent overt acts of discrimination, but they cannot create the attitude, the spirit of fair play that alone can assure to any minority enjoyment of its right to the pursuit of happiness.

Mr. President, I am sure that anyone who is interested in urban affairs will find Mayor McKeldin's talk in Dallas extremely edifying. For this reason, I ask unanimous consent of my colleagues to have it printed in the RECORD.

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

THE PROBLEMS OF A LARGE CITY SURROUNDED BY NEARLY ALL WHITE SUBURBS

(Address by Theodore R. McKeldin, mayor of Baltimore, Md., U.S. Conference of Mayors, Dallas, Tex., June 14, 1966)

Some of the best minds of our time have been wrestling for decades with the problems of the large city surrounded by nearly all-white suburbs. I don't think any of them has found real answers. I am not sure that

answers can be found where they have been sought—in strictly logical plans implemented by strictly technical means on a strictly scientific basis.

I do not mean to detract from the brilliance of many of the analyses that have been advanced. The ingenuity, resourcefulness and energy with which they have attacked technical problems deserve the highest praise. They have achieved great success in giving us the necessary know-how, but we are far less adequately equipped with the know-what. Yet, no rational man will deny that it is desirable to know what you want to do before turning your attention to how to do it.

Take, for example, the suggestion recently advanced by Bernard Weissbourd and published by the Center for the Study of Democratic Institutions under the title of "Segregation, Subsidies and Megalopolis." Mr. Weissbourd is no mere theorist. A lordly office-building, several fine apartment houses and the rising Hilton Hotel in Baltimore are proof, not in words, but in concrete, steel and glass, that when it comes to the problem of reconstruction of a city, he is a master.

His basic proposal, if I understand him, is to break up the presently largely residential character of the suburbs by introducing industry enough to create a ring of economically self-sustaining cities around the hub of an inner city in which would be concentrated cultural, recreational and educational facilities serving the whole metropolitan area. It is the more logical because so many new industries created by recent advances in technology require light and air as well as floor-space, all of which are more easily available in the suburbs than in the central city.

But a point to which I think he has paid insufficient attention is that these same new industries, requiring large amounts of light and air, do not require many men, considering the size of their output. They are nearly all highly automated industries. High automation calls for high skill in relatively few operatives. The bulk of the gainfully employed today are not in industry, but in the service trades—transportation, distribution, maintenance and personal service. Taking industry to the suburbs, then, would not involve taking the bulk of the population there.

I have had enough experience as Governor of Maryland and Mayor of Baltimore to know the scope and range of these problems. They are immense, and complicated in Baltimore, as in all other large cities, by an increasing racial imbalance in the inner city. Between 1950 and 1960, the white population of Baltimore declined by 113,000 persons, while the non-white population increased by 102,000, an almost one-for-one replacement. In the same census period the five counties of the Baltimore area had substantial population increases only in the white segment. In Baltimore County, almost surrounding the city, the white population increased 88% in this decade, while the non-white actually decreased, both in percentage and in absolute numbers.

This is not an engineering problem. It is sociological and political, and such problems are not to be solved on the drawing-board or by the aid of electronic computers. They are human, involving the third of the inalienable rights listed in the Declaration of Independence, the right to the pursuit of happiness. The first two, life and liberty, can be reasonably well safeguarded by purely political action, but not the pursuit of happiness. Men can be, and are, deprived of that by forces unknown to the Constitution and the statutes and largely beyond the reach of the executive power.

Recently we had in Baltimore a conference of experts from 15 major cities, organized as the Hub Council for the consideration of problems of the "hub" cities and growing out of the "stay in the city movement," initiated by Baltimore's Economic Director. To him Secretary Robert C. Weaver of the Federal Department of Housing and Urban Development, wrote:

"The health and vitality of our urban way of life depends, in very large degree, upon our ability to keep our central cities economically healthy. This does not mean, simply, keeping a certain 'share' of jobs, but it connotes retaining within, and bringing to, the central city those kinds of economic activities that the central city is best equipped to accommodate. . . . Perhaps the group ought to consider not just industrial employment, but all kinds of employment, e.g., service, retail, and professional as well."

Mr. Weaver, I think, was getting warm. So was Charles Abrams, the Urban Planning Chairman at Columbia University, and a distinguished authority. He says:

"The fact is that many Negroes do live in slums and some do not . . . Despite this, the housing problem persists for most Negro families, and in many places it is becoming worse. The physical condition of the Negro's homes, however, is only one aspect of the Negro's housing conditions. The neighborhoods are run-down; officialdom is less concerned with their maintenance, and their general atmosphere is demoralizing; the schools are segregated and inferior, and so are the recreational, hospital and social facilities; there are also fewer new buildings erected in Negro areas, even for those who can afford them. Above all, the Negro is discriminated against in almost every aspect of housing and neighborhood life, and he feels it."

As Mayor of Baltimore, I feel like saying to Mr. Abrams, "Are you telling me?" The political administration of Baltimore City is divided, but on one thing a Republican Mayor and a Democratic City Council have seen eye to eye and, until recently, have worked together in harmony. This was in abolishing every form of legal discrimination against any minority, whether in schools, stores, theaters, restaurants, hotels or anywhere else. If there is one provision in the city code that discriminates against any man on account of race, religion, or color, it is there because it is so obscure that it has been overlooked.

Nor have we stopped with statute law. Powerfully assisted by many groups of enlightened citizens we have urged upon private business a policy of non-discrimination in employment, with considerable success, especially as regards banks, department stores and fiduciary institutions, with the result that they are now using non-whites in many positions above the level of janitors and messengers.

Nevertheless, the city received a blast of unfavorable publicity not long ago when the leadership of CORE announced its choice as a target area for an intensive drive against discrimination because, it was alleged, Baltimore is the worst city outside the South in that respect.

Our first reaction was perfectly genuine bewilderment, but brief consideration was enough to bring the realization that here we are dealing with something beyond the purview of law. Discrimination can exist without support by the statutes and without enforcement by the police.

When we clearly understand that, with all its implications, we may be on the way to find some answers. Basically, the problems of the large city surrounded by nearly all-white suburbs are problems of human dignity—or the lack of it. Of course, that is an over-simplification and a cliche. It also happens to be the truth.

A mother, deprived of a mother's relationship with children, husband, home, and family must have small respect for herself as a mother.

A father without a decent job or hope of ever getting one, without the function or authority of husband, parent, or provider, must have small respect for himself as a person.

And those who have little respect for themselves cannot command much respect from others. So the desperation festers and feeds on itself.

But the remedy is not in law. True, equal justice under law is the first step toward a remedy, but it is only the first step. I am not rash enough to claim that in Baltimore we have established equal justice under law, but I do believe that we have gone far enough toward that goal to prove that the remedy is not in law alone. The power of the legal authorities is negative. They can, and they must, prevent overt acts of discrimination, but they cannot create the attitude, the spirit of fair play, that alone can assure to any minority enjoyment of its right to the pursuit of happiness.

Sympathy is not enough. We need that rarer quality, empathy, the ability to put one's self in another's place and to see the situation as he sees it. Sympathy leads to good deeds, but good deeds are only a palliative, not a cure. Empathy leads to understanding of another's point of view and so to knowledge to why he reacts as he does. If formal justice is the first step, understanding is the next step toward a cure for the evils that beset us.

I repeat, "that beset us," for anyone who thinks that this is solely, or mainly, a problem of minorities, and specifically of the Negro minority, is self-deceived, and it could be, fatally deceived. For if America cannot master this problem, it will never make democratic self government a living reality instead of a distant ideal.

"A house divided against itself cannot stand." The prophetic words of Lincoln are as worthy of our attention today as they were in 1858. At that time the nation was legally half slave and half free, and it almost fell. It survived only because it became legally all free. But for a hundred years it has remained morally divided and when one is reminded of Los Angeles' Watts, New York's Harlem, and the blood spattered on the streets of half a dozen other Northern cities, it takes an optimist to assert that even half of it is morally free.

I am not one of those who talks of another civil war, or of anything resembling a race war. But I do assert flatly that just laws are not enough, even when administered by just judges and enforced by just police power. It is justice, not in the courts, but in the hearts of men that alone can effect a cure. And I do assert that extra-legal discrimination based on racial prejudice is a malignant growth that, if it is not eradicated, will slowly but surely destroy the moral character of this nation and leave it but a shell. It may be an iron shell and a menace to the rest of the world, but it will no longer be "a beacon to mankind," much less "the last, best hope of earth."

It may not be a swift process. Things may very well last beyond our generation, beyond our century. But unless we cut out the cancer, the end is sure. "The mills of God grind slowly, but they grind exceeding small."

Furthermore, it is precisely in a community of the oppressed and downtrodden ringed by a community of the privileged and free that the first acute symptoms of the malady are certain to appear. Witness the community of Watts in the heart of Los Angeles. Therefore I submit that every other problem of our great cities is overshadowed by the problem of preventing a massive concentration of the hopeless and despairing. Any means contributing to that end I approve. The "stay in the city" movement is one. The dispersal of industry is one. Urban renewal is one and

so are low-cost housing, better education, vocational training and recreational facilities. I have supported all of them in Baltimore, and I shall continue to support them because every one has done some good. But I do not flatter myself that any of them, or all of them together, are going to get at the root of the trouble, for the root is beyond the reach of laws, law-makers, and administers of laws. The root is a public opinion that tolerates any form of discrimination not based on the anti-social conduct of the individual.

A public official is in an advantageous position to influence public opinion, and it is unfortunately true that some have used their positions to darken, rather than enlighten it. We have a name for such an official. He is a demagogue, and he is a worse threat to American liberty than would be Stalin, Hitler and Mussolini all rolled into one. But we may dismiss him from consideration, for a nation that runs after demagogues is hopeless anyhow. What gives me more concern is the man in public life who, sometimes from fear but often from plain lack of understanding, does nothing to lead the people toward a truer comprehension of their own interest.

But leadership is all that public figures can accomplish, and all that they should attempt. The rest is in the hands, not of Whitman's "elected persons," but in those of plain old John Q. Public.

For my part, I have faith to believe that they are safe hands.

MEDICAL CARE FOR MILITARY DEPENDENTS

Mr. TOWER. Mr. President, in recent years we have seen a multitude of health benefit programs enacted. These programs have covered many American citizens of all ages and have provided them with extensive medical aid. But we have ignored one group of deserving citizens, a group all too often overlooked when the cannons of battle are silent. I speak, of course, of the men and women and their families who serve this country in the armed services.

While some effort to provide medical care for our military dependents has been made, it has been far too limited both in the extent of coverage offered and in the number of people covered. The present military medical coverage plan, the Dependents Medical Care Act of 1956, is deficient in three main areas—inpatient and outpatient care for active duty dependents, and coverage of retired reservists.

Under present procedure, outpatient care is provided for military dependents who happen to live on or near a base with adequate medical facilities but denied to those who live far away from any military medical center. These people are forced to pay their own medical expenses.

All too often, these dependents are wives and children of fighting men sent to Vietnam by our Government. Dependents who, rather than wait out a Vietnam tour of duty at a domestic military base, return to their parents' homes to await the return of the family head from battle. Many times, they find themselves living too far from military medical facilities to take advantage of their services and are forced instead to rely upon local nonmilitary clinics and physicians for treatment. It is grossly unfair and completely unnecessary for these families of our fighting men to have to pay for their illnesses from their own pockets while their civilian contemporaries, unseparated from their fathers and husbands, are able to take advantage of legitimate Government help in meeting medical expenses. Mr. President, it is time to halt this unfairness. Practical requirements of morale and personnel retention as well as the moral requirement to fully back our fighting men dictate prompt and unequivocal support for the passage of H.R. 14088.

I am pleased to be a member of the special subcommittee considering this important legislation. One of the most important provisions of this bill would enable military dependents to use civilian facilities for treatment when geography prevents the use of military hospitals.

When seeking normal inpatient or outpatient care, military dependents would have exactly the same standing as their civilian neighbors, getting no preferential treatment but having full rights to the use of public facilities.

Under the section of this bill dealing with care and treatment of handicapped children, military families may waive their tax immunity under the Soldiers and Sailors Civil Relief Act and thus accept equal financial responsibility with State residents. In return, they would be granted equal treatment in State facilities for mentally retarded or handicapped children without having to fulfill stringent residence requirements.

That care which military dependents are able to obtain under the present program is severely limited even when it is available. The 1956 legislation limits care in military facilities to diagnosis, treatment of contagious diseases, immunization, maternity and infant care, and care in special and unusual cases for nervous disorders or chronic diseases. No provision is made for normal physical checkups or for common but painful illnesses and injuries. If approved, the Medical Benefits Act of 1966 would eliminate this specific listing of medical services allowed to dependents. This bill offers, instead, a more flexible plan which would allow the degree and type of care to be determined by the needs of patients and the availability of facilities.

The Department of Defense would have the authority to contract for care subject only to the limitation that benefits provided could not exceed the high option of the most popular Government-wide civilian program. The increased flexibility provided by H.R. 14088 enables the doctor-patient relationship in the armed services to more closely resemble that found in civilian life.

The second major deficiency of the present military medical health plan is its failure to provide adequate coverage to retired personnel and their dependents. These people were excluded from coverage under the 1956 legislation because this body felt that experience in operating a medical benefit plan was needed before full expansion of the program could be effected. That reason is no longer valid. A decade of medical care has fully acquainted the military with the problems of administering a health benefit program.

Futhermore, there are compelling reasons for the inclusion of retired servicemen and their dependents under the new Medical Benefits Act. A special subcommittee chaired by the Honorable L. MENDEL RIVERS, of South Carolina, concluded after an extensive study of military hospital policy in 1964, that the Government has a clear moral obligation to provide medical care to retired personnel and their dependents. That subcommittee found such care had been assured by custom and tradition throughout most of the life of the Republic.

That subcommittee also found numerous examples of recruitment and retention literature which pledged that the Government would provide medical care for the man and his family following retirement.

The legislation now under consideration will enable us to fulfill our clear obligation to those who have served a lifetime in our armed services. The bill provides that some of the inpatient needs of retired personnel shall be met by requiring the Department of Defense to program not less than 5 percent of the beds in new and replacement military hospitals for the care of retired servicemen and their dependents. While it is no longer feasible to provide full medical care for all retired military personnel in military hospitals, the lower cost of on-base treatment more than justifies the programing of as much space as possible for this purpose.

This legislation also provides help for retirees and their dependents who are unable to make use of military hospitals for geographical reasons by subsidizing their medical expenses in nonmilitary hospitals. By blanketing retirees and their dependents under the dependents medical care program provided for civilian Government employees, this legislation makes the Dependents Medical Care Act uniform for all military personnel so that the flat charge of $25 or $1.75 per day, whichever is greater, applies equally to active duty dependents, retired members, and dependents of retired members.

Finally, this bill assures retirees that they will not suffer a loss of medical care when they transfer to social security coverage at age 65 by allowing them to remain eligible for inpatient and outpatient care in uniformed service medical facilities.

The final major deficiency of the Dependents Medical Care Act of 1956 is its failure to include the so-called title III retirees under its coverage. These retirees are citizen-soldiers who have completed not less than 20 years of satisfactory Federal service for purposes of Reserve retirement. Under present law, these retirees are denied coverage for medical expenses unless their 20 years of service includes 8 years of active duty. This discriminatory provision serves no useful purpose whatever. On the other hand, it does serve to lessen the prestige and attractiveness of our Reserve program. It has been utilized by the military services to deny to these reservists

the rights and privileges accorded to every other retired member of the uniformed services.

Mr. President, it is time to end this unwarranted discrimination against the dedicated men who serve in our Reserve forces. Last year, this body unequivocally rejected a proposal to merge the Army Reserve and the National Guard because we felt then that such a program would act to hinder the effectiveness of those units.

It is time to reassert our justifiable confidence in the ability and dedication of the members of the Reserve by providing them with the same medical benefits as the members of the active services. H.R. 14088 extends the benefits of medical aid to the retired reservists of our Nation. It is a long overdue extension; one which can be delayed no longer.

In fact, no part of this legislation can be delayed any longer. If we are to ask that the dedicated and courageous performance of our fighting men in Vietnam and elsewhere around the world to continue, we must give them our fullest support here at home. There is no better way to demonstrate this support than to provide for the health and well-being of their loved ones wherever they may be.

THE NIGHT THE LIGHTS CAME ON, BY BOB CONSIDINE

Mr. YARBOROUGH. Mr. President, when the Rural Electrification Administration was set up in 1935, only 11 percent of the Nation's rural families had electricity. Today 99 percent of them have access to the invisible power which lights their homes and eases the burden of their work.

It is difficult for city people to realize the difference which the coming of electric power has made to rural America. Most among us have had it all our lives and so do not know what it is like to do without.

The night the lights came on is still hailed in many rural regions as an occasion ranking with the stature of such feast days as Christmas and Thanksgiving—

Bob Considine writes in a recent column in the Bryan, Tex., Daily Eagle—

Electrical power changed millions of lives instantaneously, ended lonely isolation, provided leisure time that reflected itself in better education, improved public health, cut deep into farm accidents, provided a tremendous shot in the arm for the American economy, made us the breadbasket of the world, won a war, sealed a peace.

The rural electrification program is one of the most successful governmental programs we have ever had. I ask unanimous consent that the article "Farmers Like Electricity" by Bob Considine, printed in the June 20, 1966, Bryan Daily Eagle, be printed at this point in the RECORD.

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

FARMERS LIKE ELECTRICITY

(By Bob Considine)

COLMAN, S.D.—Ten thousand residents of this virile part of the United States gathered here this week to celebrate a miracle a majority of Americans, who are city slickers, accept as their just due.

What was celebrated here under a vast tent was the still stupendous fact that after centuries of darkness America's farms were given electricity. This was the annual meeting of the Sioux Valley Empire Association, one of the big and lively cooperatives that electrified rural America when the big utility companies wouldn't or couldn't, and when even some of the farmers and ranchers themselves fought against the burial of the kerosene lamp of yore.

Pretty second-generation farm wives shopped glittering appliance booths for the latest word in time-saving, labor-saving and even status-giving gee-gaws that come to life when plugged into the now endless miles of power lines that stitch remote areas to urban centers. While they stopped, some of their still-living mothers and grandmothers remembered when an iron was actually made of iron, a six-pound slab of it that had to be heated on a wood stove. And when an evening's entertainment was derived from well-thumbed stereopticon slides, not color-TV, radio and home movies.

Farmers, ranchers and other users of electric power studied over new ways to put the incredible, invisible slave to work—make it pump water to barren lands, automate cow barns, lift, tote. bale, pull, push, and permit one man to keep 25,000 chicks happy without giving vent to a single cluck.

Hard to believe that when the Rural Electrification Administration was set up in 1935, as part of President Roosevelt's revolution, only 11 per cent of U.S. farms had electricity. Today the figure is 99 per cent. When REA started, the public utilities people were charging as much as $3,000 a mile to stretch a line to a customer's acreage.

Cooperatives, put together by people who in some cases were so poor they could pay only $2 of the $5 membership fee, and give a note for the remainder, soon were able to borrow money from REA on easy long-term plans, and the face of America changed more radically in a short time than ever before in her history.

"The night the lights came on" is still hailed in many rural regions as an occasion ranking with the stature of such feast days as Christmas and Thanksgiving. Electrical power changed millions of lives instantaneously, ended lonely isolation, provided leisure time that reflected itself in better education, improved public health, cut deep into farm accidents, provided a tremendous shot in the arm for the American economy, made us the breadbasket of the world, won a war, sealed a peace.

A Kentuckian recalls: "It was late on a November afternoon, just before dark. All we had was wires hanging down from the ceiling in every room, with bare bulbs on the end. Dad turned on the one in the kitchen first, and he just stood there, holding onto the pull-chain. He said to me, 'Carl, come here and hang onto this so I can turn on the light in the sitting room.' "

One dear old farm lady set her alarm clock to awaken her every three hours during the night, so that she could empty the ice from her electric refrigerator's freezing compartment and fill the trays again. She was afraid it would keep making ice and inundate her.

Other farmers put covers over unused wall sockets, to keep the electricity from "leaking." Some new users donned gloves before turning on any switch.

REA people fanned out from Washington, followed by appliance dealers, the first to show the farmers what they could do with the new tool, the second to re-do every kitchen and barn in the land.

It's still happening in places like Colman, S.D., where people remain grateful for electricity, proud of having worked to get it for themselves and their families, and eager to know more uses for it. They make a fellow ashamed he beefed over that little blackout we had in New York last year.

A FOOTNOTE TO HISTORY: THE PRESS AND NATIONAL SECURITY

Mr. GRUENING. Mr. President, we have for some time been hearing of "managed news" and of late of "credibility gaps." The relations of the Government and the press in times of crisis and stress are interestingly set forth in an address by Clifton Daniel, managing editor of the New York Times, which he made at the World Press Institute, held at Macalester College, St. Paul, Minn., on June 1. He entitled it: "A Footnote to History: The Press and National Security."

It is a valuable contribution to recent history and reveals out of recent events what some of the pressures on the press are and what are its resulting problems and responsibilities.

I ask unanimous consent that his address be printed at this point in my remarks:

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

A FOOTNOTE TO HISTORY: THE PRESS AND NATIONAL SECURITY

(An address by Clifton Daniel, Managing editor of the New York Times, at the World Press Institute, Macalester College, St. Paul, Minn., June 1, 1966)

This morning I am going to tell you a story—one that has never been told before—the inside story of The New York Times and the Bay of Pigs, something of a mystery story.

In its issue of Nov. 19, 1960, The Nation published an editorial under the heading, "Are We Training Cuban Guerrillas?"

I had never seen this editorial and had never heard it mentioned until a reader of The New York Times sent in a letter to the editor. He asked whether the allegations in the editorial were true, and, if so, why hadn't they been reported by The New York Times, whose resources for gathering information were much greater than those of a little magazine like The Nation.

The Nation said:

"Fidel Castro may have a sounder basis for his expressed fears of a U.S.-financed 'Guatemala-type' invasion than most of us realize. On a recent visit to Guatemala, Dr. Ronald Hilton, Director of the Institute of Hispanic-American Studies at Stanford University, was told:

"1. The United States Central Intelligence Agency has acquired a large tract of land, at an outlay in excess of $1-million, which is stoutly fenced and heavily guarded. . . . It is 'common knowledge' in Guatemala that the tract is being used as a training ground for Cuban counter-revolutionaries, who are preparing for an eventual landing in Cuba. . . . United States personnel and equipment are being used at the base. . . .

"2. Substantially all of the above was reported by a well-known Guatemalan journalist . . . in La Hora, a Guatemalan newspaper . . .

"3. More recently, the President of Guatemala, forced to take cognizance of the persistent reports concerning the base, went on TV and admitted its existence, but refused to discuss its purpose or any other facts about it.

". . . We believe the reports merit publication: they can, and should, be checked immediately by all U.S. news media with correspondents in Guatemala."

OFF TO GUATEMALA

With that last paragraph, The New York Times readily agreed. Paul Kennedy, our correspondent in Central America, was soon on his way to Guatemala.

He reported that intensive daily air training was taking place there on a partly hidden airfield. In the mountains, commando-like forces were being drilled in guerrilla warfare tactics by foreign personnel, mostly from the United States.

Guatemalan authorities insisted that the training operation was designed to meet an assault from Cuba. Opponents of the government said the preparations were for an offensive against the Cuban regime of Premier Fidel Castro. Mr. Kennedy actually penetrated two miles into the training area.

His article was published in The New York Times on Jan. 10, 1961.

The Nation also printed another article in its issue of Jan. 7, 1961, by Don Dwiggins, aviation editor of The Los Angeles Mirror.

And now Arthur M. Schlesinger, Jr. takes up the story in "A Thousand Days," his account of John F. Kennedy's years in the White House.

"On March 31," Mr. Schlesinger says, "Howard Handleman of U.S. News and World Report, returning from 10 days in Florida, said to me that the exiles were telling everyone that they would receive United States recognition as soon as they landed in Cuba, to be followed by the overt provision of arms and supplies.

"A few days later Gilbert Harrison of the New Republic sent over the galleys of a pseudonymous piece called 'Our Men in Miami,' asking whether there was any reason why it should not be published. It was a careful, accurate and devastating account of C.I.A. activities among the refugees, written, I learned later, by Karl Meyer. Obviously its publication in a responsible magazine would cause trouble, but could the Government properly ask an editor to suppress the truth? Defeated by the moral issue, I handed the article to the President, who instantly read it and expressed the hope that it could be stopped. Harrison accepted the suggestion and without questions—a patriotic act which left me oddly uncomfortable.

"About the same time Tad Szulc filed a story to The New York Times from Miami describing the recruitment drive and reporting that a landing on Cuba was imminent. Turner Catledge, the managing editor, called James Reston, who was in his weekend retreat in Virginia, to ask his advice. Reston counseled against publication: either the story would alert Castro, in which case The Times would be responsible for casualties on the beach, or else the expedition would be canceled, in which case The Times would be responsible for grave interference with national policy. This was another patriotic act; but in retrospect I have wondered whether, if the press had behaved irresponsibly, it would not have spared the country a disaster."

ARTICLE WAS NOT SUPPRESSED

As recently as last November, Mr. Schlesinger was still telling the same story. In an appearance on "Meet the Press," he was asked about the article in The New York Times in which he was quoted as saying that he had lied to The Times in April, 1961, about the nature and size of the landing in the Bay of Pigs.

Mr. Schlesinger replied that, a few days before he misinformed The Times, the newspaper had suppressed a story by Tad Szulc from Miami, giving a fairly accurate account of the invasion plans.

"If," he said "I was reprehensible in misleading The Times by repeating the official cover story, The Times conceivably was just as reprehensible in misleading the American people by suppressing the Tad Szulc story from Miami. I, at least, had the excuse that I was working for the Government."

"I prefer to think," he said, "that both The Times and I was actuated by the same motives: that is, a sense, mistaken or not, that [it] was in the national interest to do so."

Mr. Schlesinger was mistaken, both in his book and in his appearance on "Meet the Press." The Times did not suppress the Tad Szulc article. We printed it, and here it is, on Page 1 (under a one-column headline) of the issue of Friday, April 7, 1961.

What actually happened is, at this date, somewhat difficult to say.

None of those who took part in the incident described in Mr. Schlesinger's book kept records of what was said and done. That is unfortunate, and it should teach us a lesson. The Bay of Pigs was not only important in the history of United States relations with Latin America, the Soviet Union and world Communism; it was also important in the history of relations between the American press and the United States Government.

We owe a debt to history. We should try to reconstruct the event, and that is what I am attempting to do today.

Late in March and early in April, 1961, we were hearing rumors that the anti-Castro forces were organizing for an invasion. For example, the editor of The Miami Herald, Don Shoemaker, told me at lunch in New York one day, "They're drilling on the beaches all over southern Florida."

Tad Szulc, a veteran correspondent in Latin America with a well-deserved reputation for sniffing out plots and revolutions, came upon the Miami story quite accidentally. He was being transferred from Rio de Janeiro to Washington and happened to stop in Miami to visit friends on his way north. He quickly discovered that an invasion force was indeed forming and that it was very largely financed and directed by the C.I.A. He asked for permission to come to New York to discuss the situation and was promptly assigned to cover the story.

His first article from Miami—the one I have just shown to you—began as follows:

"For nearly nine months Cuban exile military forces dedicated to the overthrow of Premier Fidel Castro have been in training in the United States as well as in Central America.

"An army of 5,000 to 6,000 men constitutes the external fighting arm of the anti-Castro Revolutionary Council, which was formed in the United States last month. Its purpose is the liberation of Cuba from what it describes as the Communist rule of the Castro regime."

His article, which was more than two columns long and very detailed, was scheduled to appear in the paper of Friday, April 7, 1961. It was dummied for Page 1 under a four-column head, leading the paper.

While the front-page dummy was being drawn up by the assistant managing editor, the news editor and the assistant news editor, Orvil Dryfoos, then the publisher of The New York Times, came down from the 14th floor to the office of Turner Catledge, the managing editor.

He was gravely troubled by the security implications of Szulc's story. He could envision failure for the invasion, and he could see The New York Times being blamed for a bloody fiasco.

RECOLLECTIONS CONFLICT

He and the managing editor solicited the advice of Scotty Reston, who was then the Washington correspondent of The New York Times and is now an associate editor.

At this point, the record becomes unclear. Mr. Reston distinctly recalls that Mr. Catledge's telephone call came on a Sunday, and that he was spending the weekend at his retreat in the Virginia mountains, as described by Arthur Schlesinger. As there was no telephone in his cabin, Mr. Reston had to return the call from a gas station in Marshall, Va. Mr. Catledge and others recall, with equal certainty, that the incident took place on Thursday and that Mr. Reston was reached in his office in Washington.

Whichever was the case, the managing editor told Mr. Reston about the Szulc dispatch, which said that a landing on Cuba was imminent.

Mr. Reston was asked what should be done with the dispatch.

"I told them not to run it," Mr. Reston says.

He did not advise against printing information about the forces gathering in Florida; that was already well known. He merely cautioned against printing any dispatch that would pinpoint the time of the landing.

Others agree that Szulc's dispatch did contain some phraseology to the effect that an invasion was imminent, and those words were eliminated.

Tad Szulc's own recollection, cabled to me from Madrid the other day, is that "in several instances the stories were considerably toned down, including the elimination of statements about the 'immenence' of an invasion.

"Specifically," Mr. Szulc said, "a decision was made in New York not to mention the C.I.A.'s part in the invasion preparations, not to use the date of the invasion, and, on April 15, not to give away in detail the fact that the first air strike on Cuba was carried out from Guatemala."

After the dummy for the front page of The Times for Friday, April 7, 1961, was changed, Ted Bernstein, who was the assistant managing editor on night duty at The Times, and Lew Jordan, the news editor, sat in Mr. Bernstein's office fretting about it. They believed a colossal mistake was being made, and together they went into Mr. Catledge's office to appeal for reconsideration.

Mr. Catledge recalls that Mr. Jordan's face was dead white, and he was quivering with emotion. He and Mr. Bernstein told the managing editor that never before had the front-page play in The New York Times been changed for reasons of policy. They said they would like to hear from the publisher himself the reasons for the change.

ANGRY AT INTERVENTION

Lew Jordan later recalled that Mr. Catledge was "flaming mad" at this intervention. However, he turned around in his big swivel chair, picked up the telephone, and asked Mr. Dryfoos to come downstairs. By the time he arrived, Mr. Bernstein had gone to dinner, but Mr. Dryfoos spent 10 minutes patiently explaining to Mr. Jordan his reasons for wanting the story played down.

His reasons were those of national security, national interest and, above all, concern for the safety of the men who were preparing to offer their lives on the beaches of Cuba. He repeated the explanation in somewhat greater length to Mr. Bernstein the next day.

I describe the mood and behavior of the publisher and editors of The New York Times only to show how seriously and with what intensity of emotion they made their fateful decisions.

Mr. Bernstein and Mr. Jordan now say, five years later, that the change in play, not eliminating the reference to the imminence of the invasion, was the important thing done that night.

"It was important because a multi-column head in this paper means so much," Mr. Jordan told me the other day.

Mr. Reston, however, felt that the basic issue was the elimination of the statement that an invasion was imminent.

Ironically, although that fact was eliminated from our own dispatch, virtually the same information was printed in a shirttail

on Tad Szulc's report. That was a report from the Columbia Broadcasting System. It said that plans for the invasion of Cuba were in their final stages. Ships and planes were carrying invasion units from Florida to their staging bases in preparation for the assault.

When the invasion actually took place 10 days later, the American Society of Newspaper Editors happened to be in session in Washington, and President Kennedy addressed the society. He devoted his speech entirely to the Cuban crisis. He said nothing at that time about press disclosures of invasion plans.

APPEAL BY PRESIDENT

However, a week later in New York, appearing before the Bureau of Advertising of the American Newspaper Publishers Association, the President asked members of the newspaper profession "to re-examine their own responsibilities."

He suggested that the circumstances of the cold war required newspapermen to show some of the same restraint they would exercise in a shooting war.

He went on to say, "Every newspaper now asks itself with respect to every story, 'Is it news?' All I suggest is that you add the question: 'Is it in the interest of national security?'"

If the press should recommend voluntary measures to prevent the publication of material endangering the national security in peacetime, the President said, "the Government would cooperate wholeheartedly."

Turner Catledge, who was the retiring president of the A.S.N.E., Felix McKnight of The Dallas Times-Herald, the incoming president, and Lee Hills, executive editor of the Knight newspapers, took the President's statement as an invitation to talk.

Within two weeks, a delegation of editors, publishers and news agency executives was at the White House. They told President Kennedy they saw no need at that time for machinery to help prevent the disclosure of vital security information. They agreed that there should be another meeting in a few months. However, no further meeting was ever held.

That day in the White House, President Kennedy ran down a list of what he called premature disclosures of security information. His examples were mainly drawn from The New York Times.

He mentioned for example, Paul Kennedy's story about the training of anti-Castro forces in Guatemala. Mr. Catledge pointed out that this information had been published in La Hora in Guatemala and in The Nation in this country before it was ever published in The New York Times.

"But it was not news until it appeared in The Times," the President replied.

While he scolded The New York Times, the President said in an aside to Mr. Catledge, "If you had printed more about the operation you would have saved us from a a collossal mistake."

"SORRY YOU DIDN'T TELL IT"

More than a year later, President Kennedy was still talking the same way. In a conversation with Orvil Dryfoos in the White House on Sept. 13, 1962, he said, "I wish you had run everything on Cuba. . . . I am just sorry you didn't tell it at the time."

Those words were echoed by Arthur Schlesinger when he wrote, "I have wondered whether, if the press had behaved irresponsibly, it would not have spared the country a disaster."

They are still echoing down the corridors of history. Just the other day in Washington, Senator RUSSELL of Georgia confessed that, although he was chairman of the Senate Armed Forces Committee, he didn't know the timing of the Bay of Pigs operation.

"I only wish I had been consulted," he said in a speech to the Senate, "because I would have strongly advised against this kind of operation if I had been."

It is not so easy, it seems, even for Presidents, their most intimate advisors and distinguished United States Senators to know always what is really in the national interest. One is tempted to say that sometimes—sometimes—even a mere newspaperman knows better.

My own view is that the Bay of Pigs operation might well have been canceled and the country would have been saved enormous embarrassment if the New York Times and other newspapers had been more diligent in the performance of their duty—their duty to keep the public informed on matters vitally affecting our national honor and prestige, not to mention our national security.

Perhaps, as Mr. Reston believes, it was too late to stop the operation by the time we printed Tad Szulc's story on April 7.

"If I had it to do over, I would do exactly what we did at the time," Mr. Reston says. "It is ridiculous to think that publishing the fact that the invasion was imminent would have avoided this disaster. I am quite sure the operation would have gone forward.

"The thing had been cranked up too far. The C.I.A. would have to disarm the anti-Castro forces physically. Jack Kennedy was in no mood to do anything like that."

PRELUDE TO GRAVER CRISIS

The Bay of Pigs, as it turned out, was the prelude to an even graver crisis—the Cuban missile crisis of 1962.

In Arthur Schlesinger's opinion, failure in 1961 contributed to success in 1962. President Kennedy had learned from experience, and once again the New York Times was involved.

On May 28, 1963, the President sat at his desk in the White House and with his own hand wrote a letter to Mrs. Orvil Dryfoos, whose husband had just died at the age of 50. The letter was on White House stationery, and the President used both sides of the paper.

The existence of this letter has never been mentioned publicly before. I have the permission of Mr. Dryfoos's widow, now Mrs. Andrew Heiskell, to read it to you today:

"Dear Marian:

"I want you to know how sorry I was to hear the sad news of Orvil's untimely death.

"I had known him for a number of years and two experiences I had with him in the last two years gave me a clear insight into his unusual qualities of mind and heart. One involved a matter of national security—the other his decision to refrain from printing on October 21st the news, which only the man for The Times possessed, on the presence of Russian missiles in Cuba, upon my informing him that we needed twenty-four hours more to complete our preparations.

"This decision of his made far more effective our later actions and thereby contributed greatly to our national safety.

"All this means very little now, but I did want you to know that a good many people some distance away, had the same regard for Orvil's character as did those who knew him best.

"I know what a blow this is to you, and I hope you will accept Jackie's and my deepest sympathy.

"Sincerely, John F. Kennedy."

In the Cuban missile crisis, things were handled somewhat differently than in the previous year. The President telephoned directly to the publisher of The New York Times.

He had virtually been invited to do so in their conversation in the White House barely a month before.

That conversation had been on the subject of security leaks in the press and how to prevent them, and Mr. Dryfoos had told the President that what was needed was prior information and prior consultation. He said that, when there was danger of security information getting into print, the thing to do was to call in the publishers and explain matters to them.

In the missile crisis, President Kennedy did exactly that.

Ten minutes before I was due on this platform this morning Mr. Reston telephoned me from Washington to give me further details of what happened that day.

"The President called me," Mr. Reston said. "He understood that I had been talking to Mac Bundy and he knew from the line of questioning that we knew the critical fact—that Russian missiles had indeed been emplaced in Cuba.

"The President told me," Mr. Reston continued, "that he was going on television on Monday evening to report to the American people. He said that if we published the news about the missiles Khrushchev could actually give him an ultimatum before he went on the air. Those were Kennedy's exact words.

"I told him I understood," Mr. Reston said this morning, "but I also told him I could not do anything about it. And this is an important thought that you should convey to those young reporters in your audience.

"I told the President I would report to my office in New York and if my advice were asked I would recommend that we not publish. It was not my duty to decide. My job was the same as that of an ambassador—to report to my superiors.

"I recommended to the President that he call New York. He did so."

That was the sequence of events as Mr. Reston recalled them this morning. The President telephoned the publisher of The New York Times; Mr. Dryfoos in turn put the issue up to Mr. Reston and his staff.

And the news that the Soviet Union had atomic missiles in Cuba only 90 miles from the coast of Florida was withheld until the Government announced it.

What conclusion do I reach from all these facts? What moral do I draw from my story?

My conclusion is this: Information is essential to people who propose to govern themselves. It is the responsibility of serious journalists to supply that information—whether in this country or in the countries from which our foreign colleagues come.

Still, the primary responsibility for safeguarding our national interest must rest always with our Government, as it did with President Kennedy in the two Cuban crises.

Up until the time we are actually at war or on the verge of war, it is not only permissible—it is our duty as journalists and citizens to be constantly questioning our leaders and our policy, and to be constantly informing the people, who are the masters of us all—both the press and the politicians.

RELOCATION OF HOUSING FOR FAMILIES DISPLACED BY FEDERAL OR FEDERALLY ASSISTED PROGRAMS

Mr. HART. Mr. President, a problem which is becoming increasingly difficult in the area of housing is that of relocating families, individuals, and businesses displaced by Federal or federally assisted programs.

The difficulties in this area have been aggravated by three basic factors: First, most of the displacements affect low or moderate income persons for whom

forced moves are a very difficult experience, which problem is in turn aggravated for the elderly, large families, minorities and small businesses which rely rather heavily on established neighborhood patronage for their success; Second, the unavailability of an adequate supply of standard housing; Third, the inconsistencies and inadequacies among the various Federal programs which provide relocation assistance.

With regard to this latter point, although the Federal aid highway program is second only to urban renewal in its impact on relocation problems, the relocation assistance provided for highway displacees is far less comprehensive. This is especially evident with regard to relocation advisory assistance since State officials are merely required to give satisfactory assurance to highway displacees that relocation advisory assistance shall be provided. They are not required to provide assurance of a feasible method of relocating families or that an adequate supply of standard housing within the displacee's means is available. The limited nature of this assistance makes it especially difficult for the majority of displacees to cope with these forced moves since these people require the most intensive type of advisory assistance.

With regard to certain State and local aspects of this problem, I ask unanimous consent that the attached and powerful statement of the Catholic Bishops of Michigan, the editorial from the May 20, 1966, edition of the Washington Post and an article appearing in the Post on May 29, be printed at this point in the RECORD.

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

STATEMENT OF CATHOLIC BISHOPS OF MICHIGAN ON EQUAL HOUSING OPPORTUNITIES

(Adopted by Board of Directors, Michigan Catholic Conference, March 18, 1966.)

Michigan has made significant strides in guaranteeing by law the equal rights of all citizens. But laws alone are not sufficient to give to each person his natural right to be treated in dignity as a person created by God.

In our 1964 policy statement on civil rights, we said: "The faithful are urged to give active support to programs promoting freedom of housing opportunities for all persons. No Catholic, in good conscience, can sign petitions or support laws or ordinances that deny minorities a full and equal opportunity to secure decent homes on a non-discriminatory basis."

The problem of housing discrimination has not been solved and needs special attention.

The right to private property has been strenuously defended by the Church as a basic human right, but not as an absolute right without limitation. It is equally well established in our moral and legal tradition that the use of private property be governed by considerations demanded by the common good of the community, such as the right of eminent domain, health and welfare, zoning regulations, etc. In general, property must be used in such a way that it does not harm either individuals or the common good.

This qualification of the right to private property the Church has emphasized by teaching that ownership is a stewardship that involves social responsibility. The property owner who wishes to sell in the open market, and yet wishes to exclude members of a certain race, religion, or national origin from the opportunity to buy, is using his property to the detriment of society.

Human dignity and equality demand the right to change of residence and opportunity to buy according to the same reasonable standards for all. Color or creed is not a reasonable standard for discrimination or exclusion.

Sometimes justice crawls—sometimes it leaps. In the field of housing equality we are crawling. The people of Michigan should be proud of the progress made in other areas of civil rights—but not satisfied. The problem of housing discrimination is a serious social problem that needs the immediate attention of responsible political, civic and religious leaders throughout our state. Likewise, those who make their livelihood in buying and selling real estate have a special obligation in law and in conscience to refuse to act as agents of discrimination in housing based on race, religion or national origin.

Stable communities consist of something more than paved streets, proper lighting and well trimmed lawns. It is people that make a community. A good community is an open community where all the goods, services and facilities of the community are available on an equal basis to all residents. The open community is also marked by strong civic leadership that is ever alert to possibilities of promoting good will and harmony among residents of the community.

Urban renewal and new highway construction are important elements of community progress. But too often the most disadvantaged members of a community are required to shoulder the full burden of suffering for a project which benefits the whole community.

Therefore, all government officials—federal, state and local—have the responsibility of developing formal procedures guaranteeing by law that adequate housing is available for all persons whose homes may be destroyed as the result of an urban renewal or highway construction project.

We urge all Catholics in Michigan that they be especially mindful that personal salvation is based upon love of God and love of neighbor. One cannot be practiced without the other. We best show our love for God through love of neighbor. Love is the basic law through which men and communities alike grow, prosper and live in unity and peace.

FREEWAYS IN THE CITY

Highways must be built into cities, but they must not be built at the expense of housing and parks. The most substantial opposition to the urban freeways is grounded precisely in their threat to homes where housing is already in urgent shortage, and to open space in neighborhoods where grass is already very scarce. As a necessary and legitimate cost of bringing highways downtown, the American cities will have to learn to build them in combined projects that create more than they destroy. The means to this purpose are already available to the cities. But its accomplishment will require new habits on the part of road builders and city planners.

The District Commissioners now have an obligation to promulgate a precise and rigid rule: Highway projects will be permitted to raze housing only where the same projects provide, home for home, for the same kinds of families at the same income levels; and highways will be permitted to take park space only where the same projects provide new space, square yard for square yard, in the same neighborhoods.

The rule will be difficult to follow, and it will mean slow progress. But the city of Washington has already learned that, without it, there will be very little progress of any kind. If it means building roads a block at a time, instead of a mile at a time, then that is a reasonable pace for major surgery at the heart of a great and crowded city.

Some highway officials will protest, no doubt, that the Federal Highway Act is to expire in 1972. They will cry that the whole apparatus of taxes and subsidies, like Cinderella's coach, will be turned into a pumpkin when the clock strikes 12. That outcome is, of course, utterly unlikely. The 1972 cut-off is a myth, useful only to ram bad designs through panicked local governments. We are going to need highways after 1972 just as we need them now. When the moment comes, the cut-off will be averted by precisely the same alliance of construction industries and local highway authorities that upholds it now.

Future freeway construction in Washington, as in other cities, ought to be designed to take advantage of the full range of Federal aid: not only highway aid but housing aid, open spaces aid, urban renewal and public transit grants. Urban renewal areas do not have to be square; they can be shaped like shoestrings surrounding and encasing highway routes. Public housing and playgrounds can be built over highways. The Commissioners are currently considering some of these ideas. But the city requires more; it requires a flat commitment to them. Many people in this city fear that new highways will hollow out and devastate Washington, at the greatest cost to those families least able to find new homes. If the city government (and, for that matter, the Federal Government) intend to win this argument, they will have to prove their intentions with new blocks of homes, new playgrounds and new community centers. These contributions are the price of bringing the freeways into the city. It is a fair price.

[From the Washington (D.C.) Post, May 29, 1966]

HIGHWAY AGREEMENT IGNORES SOCIAL IMPACT—ENHANCES CITY'S BEAUTY AT EXPENSE OF DISPLACED FAMILIES

(By Wolf Von Eckardt)

The sudden agreement by the Freeway Policy Advisory Committee to proceed with most of Washington's long-planned Federal highway system advances the effort to enhance the beauty of the Capital's monumental heart.

But it leaves the social impact of the proposed freeways on the rest of the city still an open question.

On March 31, PAC promised that necessary freeways "will be located and constructed in ways that reflect all significant community needs and values."

Yet the decision to proceed with freeways that will run through residential areas, parkland and the scenic Potomac palisades and that may compete with rapid transit, has been made without demonstrating or even really studying how "community needs and values" are to be reflected in their design.

PAC's reversal was due mainly to fears on the part of the highway builders that their program might lose the 90 percent Federal aid unless it is completed when the Federal Highway Act is due to expire in 1972. In part it was due also to congressional impatience with the long controversy. And in part it was due to pressure from Washington's business community, notably the Federal City Council, which considers freeways essential to downtown prosperity.

The reversal was made possible by a switch in the vote of the head of the National Park Service, George B. Hartzog Jr.

Hartzog, reflecting the view of his superior, Interior Secretary Stewart Udall, had been opposed to the Three Sisters Bridge which, for complex reasons, is particularly close to the highway builders' heart.

But Hartzog wants the South Leg of the Inner Loop tunneled so it won't irrevocably mar the beauty of the Mall and the Tidal

Basin. He also wants the Highway Department to help realize architect Nathaniel Owings' grand plan by putting cross streets under the Mall, and Constitution Avenue under Pennsylvania Avenue when they cross, and by building the E Street expressway.

Under the new agreement, he got what he wanted in exchange for yielding on Three Sisters. The problem here is not the bridge, which could be a thing of beauty. It is how to construct the access ramps so they will not turn the Potomac banks into masses of concrete spaghetti. There is no agreement on how this might be done.

Nor are there any plans to show how many families would be displaced by the North Central Freeway or the East Leg of the Inner Loop or where, in the face of a desperate low-cost housing shortage, the displaced people are to go.

The highway builders' announced intention to build new housing over sunken freeways is of little immediate help. It will obviously take years before these new buildings are ready to replace the old. Where do people go meanwhile?

PAC says that park lands used for freeways should be replaced or paid for and the East Leg will take considerable chunks. But where are the new parks to be located? Will they alleviate or aggravate the acute recreation crisis in our ghetto that some think led to the recent teen-age flare-up at Glen Echo?

The people in Washington's restless ghetto are sure to raise these questions. And they will note that the only concession PAC has made in its new agreement is to omit the North Leg freeway from the highways plans. That was the freeway that would have run smack through ritzy Embassy Row west of DuPont Circle.

Other unresolved planning problems involve the question of just where we are to get on and off the North Central and Center Leg freeways. The answer can make or break the idea of a visitor's center at Union Station, for instance. It will vitally affect plans now being made to revitalize downtown.

Too many access ramps will consume valuable land, and displace more people and businesses. Too few could seriously impede all efforts to revitalize the city's center.

And how will the North Central freeway, which is planned only because more powerful political interests turned down a Wisconsin Avenue corridor, affect the fare box of the subway? It runs exactly parallel to the proposed rapid transit line to Silver Spring. Is there not a grave danger that commuters, rather than park their cars at the subway station, will drive all the way downtown on the new freeway?

In short, the problem is not, as the rejected consultant report by Arthur D. Little has pointed out, whether to build freeways. It is how and where they are built. That, and only that, answers the question whether urban freeways are an asset or a liability.

It is nice to know that the Fine Arts Commission will exercise its able control over the design of these freeways and that, reportedly, Nathaniel Owings will design the North Central ribbon.

It is also nice to know that the grand plan for the Mall and Pennsylvania Avenue now have the highway builders' support.

But it still remains to be seen whether "The Other Washington" will get the same kind of consideration.

WRONG OBJECTIVE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an editorial entitled "Wrong Objective," which appeared in the June 15 edition of the Bluefield, W. Va., Sunset News-Observer.

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

WRONG OBJECTIVE

The Supreme Court seems to us to be dealing more with theory than with practicality in its far-reaching ruling on police interrogation in criminal cases. The rights of the individual in our society must surely be protected. But society as a whole must be protected, too.

The U.S. crime rate has been shooting up. Stricter law enforcement and swift and sure punishment for criminal violators is needed, not court decisions that make necessary police work more difficult. The new guidelines for police procedures laid down by the court will unquestionably make it harder to combat crime.

When there are no witnesses, the confession is the basic thing upon which prosecution most often rests. The accuser's now over-emphasized right to silence and the new difficulties placed in the way of questioning him in the future virtually preclude any confessions at all.

It is significant to note the decision was 5 to 4. One man's opinion, presumably that of Chief Justice Earl Warren, prevailed. That opinion can adversely affect the course of law enforcement and the safety of U.S. society from cross-roads hamlet to megalopolis.

The old "third degree," outlawed nearly everywhere, ought to have been done away with. Better police work, more humane treatment of suspects ought to be demanded. But few criminal suspects can now be expected to admit anything. Many who are actually guilty may have to be turned loose to commit new crimes because of lack of evidence.

"The social costs of crime are too great to call the new rules anything but hazardous experimentation," Justice John M. Harlan said in dissent, and we agree. The provision in the Bill of Rights against self-incrimination was aimed at preventing the type of abuses against individuals that often accompanied criminal accusation in authoritarian regimes at the time the Constitution was adopted more than a century and a half ago.

But the rack and the wheel have long since disappeared in enlightened countries, and it seems to us that the Court has gone beyond what the Constitution intended or requires.

It said, for example, that if an accused person does not have a lawyer one must be provided for him free before questioning begins. This one stipulation poses a host of new problems for states and municipalities, especially as it relates to lesser violations.

It said that a confession can stand up in court only if it is made "knowingly and intelligently." This can be the basis for appeal of every conviction in which a confession figures.

It said a suspect can shut off questions at any time after they have started—that is any time he doesn't like them. How frustrating that will be for enforcement officials!

Admittedly the rights of some individuals sometimes may be infringed upon in criminal actions. The line at which the interests of society begin and the rights of the individual end is a fine one.

But in this era of the decay of the old codes of behavior, of widening moral laxity, of mounting violence and defiance of law, a too-liberal Court, it seems to us, has swung its weight behind the wrong objective.

NEED TO CONTROL SALE OF AUTO MASTER KEYS

Mr. RIBICOFF. Mr. President, auto theft is a growing problem throughout the Nation. It results in significant economic loss and preoccupies the attention of our overworked law enforcement officials. Apart from the problem of car theft for profit, stealing automobiles for high-speed joyriding has long been common among delinquent teenagers and poses a serious highway safety problem.

The use of master keys, purchased through the mails, is becoming a frequent factor in auto thefts. In order to curb this alarming practice, I have introduced, for myself and for the senior Senator from New York [Mr. JAVITS] and the junior Senator from New York [Mr. KENNEDY], S. 3176, a bill to prohibit the sale, manufacture or advertisement of sale of master auto keys except to those with a legitimate need for them. The bill would also authorize the Postmaster General to establish regulations for the mailing of these keys.

As another indication of the need for this legislation I cite an article in the June 29 issue of the New York Times and ask unanimous consent that it be printed in the RECORD.

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

CAR THIEVES USING MAIL-ORDER KEYS—POLICE BEGIN PILOT PROJECT IN BROOKLYN TO COMBAT PROBLEM AS CRIMES RISE

(By Bernard Weinraub)

The Police Department is worried about the increasing use of mail-order keys to steal cars.

Auto thefts are rising and the police are citing the easy accessibility of auto keys through mail-order houses as a major reason.

"The ads for auto keys are all over the mechanics' trade journals," Sgt. Allen Gore, commanding officer of the automobile squad, said yesterday. "An ad will say, 'Be the first in your neighborhood to have a lost key business. With our keys you can open up 90 per cent of most automobiles.'

"The keys are generally available for $20 in a 64-key set. It's a growing problem. The keys are available and make stealing cars so simple."

The 38-year-old sergeant made his remarks as the Police Department began a pilot program on auto thefts in an area of Brooklyn where the incidence of stolen cars is very high.

The 12-precinct area—in which 19.6 per cent of the city's car thefts occur—extends from Bay Ridge to East New York. The area is generally residential and uncongested.

TO STUDY THEFT PATTERNS

In seeking to curb the thefts, the Police Department's Crime Analysis Bureau will provide special forms for officers who recover missing autos in the area. The detailed forms, covering such items as the length of time between the theft and recovery and as the method used for starting the stolen vehicle, will be studied by the bureau.

"Our aim is to study the pattern of auto theft to see if there's a single discernible method in how they started," said a police spokesman.

According to Sergeant Gore, a total of 32,897 cars were stolen in the city in 1964, while last year the figure reached 34,766. At least 75 percent of the cars are recovered, the Sergeant said.

USED BEER CAN OPENERS

"The availability of keys through mail-order houses has become prominent only in the last few years," said Sergeant Gore. "Before then, they used any gadget to open cars—a beer can opener to lift the vent window or a coat hanger to raise the handle."

"All this stuff now is getting passe. The thief now has available to him a source of master keys."

SENATE CONCURRENT RESOLUTION 94—THE PRINTING OF THE HISTORY OF THE SENATE

Mr. TOWER. Mr. President, I wish to rise today in support of Senate Concurrent Resolution 94 providing for the printing of a history of the Senate, similar to a resolution that I have previously introduced. Such an undertaking would be of great value to those students of government who would like to know just what the Senate is all about. We have many traditions in this august body that play a great role in our everyday workings. Without an understanding of these traditions, it is very difficult indeed to understand just how the Senate functions.

A working knowledge of how the Senate works and why is of great importance in this modern world. Daily we make decisions that will affect the lives of millions of people, not only in this country but throughout the world. It is necessary that the students of our form of government have all the facts available when they are considering our system and certainly no one is more capable of presenting these than the Senate itself.

Mr. President, in my original resolution, I called attention to the necessity of including a comprehensive discussion and explanation of the rules which govern the Senate. Without a thorough knowledge and understanding of these rules, it would be very difficult to grasp the methods by which the Senate works.

I ask, therefore, that special attention be paid to this problem when compiling this work.

I urge the Senate to give this measure swift approval. It would certainly be another step forward in our process of the conservation of history. It is certainly my hope that this work will become a standard in the field of analyzing deliberative bodies.

ADDRESS DELIVERED BY SENATOR STENNIS BEFORE THE GRADUATION EXERCISES OF THE MARINE CORPS COMMAND AND STAFF SCHOOL

Mr. JACKSON. Mr. President, I take pleasure in placing in the RECORD the address of Senator JOHN STENNIS at the graduation exercises of the Marine Corps Command and Staff School on June 3.

As my colleagues know, Senator STENNIS is performing a notable public service in his chairmanship of the Preparedness Subcommittee of the Senate Armed Services Committee. In that capacity, he is one of the best informed Members of the Congress across the whole front of defense questions. The investigations and studies by the Preparedness Committee, under his guidance, are in the best tradition of congressional monitoring and review of Executive programs and projects.

I ask unanimous consent that the text of the address be printed in the RECORD.

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

ADDRESS OF SENATOR JOHN STENNIS AT THE GRADUATION EXERCISES, MARINE CORPS COMMAND AND STAFF SCHOOL, QUANTICO, VA., FRIDAY, JUNE 3, 1966

It is a special pleasure, both personal and official, to be with you today because it provides me the opportunity to speak to and in the presence of men who command the fighting units that come face to face with our enemy.

My remarks on this occasion are not directed to you in the usual custom of a graduation speaker who praises the achievements of the graduates and challenges them to further and higher goals. You have already proven yourselves. I am proud of your record and I know you will put what you have learned here to good use.

Also, my message is not to you alone but to all the people of the nation. This occasion provides me the opportunity of delivering it in your presence and in the presence of your families, and thus, symbolically in the presence of every military man who, as you, must stand ready to defend with their lives, if necessary, the freedom and liberty every single citizen enjoys.

We are at war. American casualties continue to mount. Our forces committed to mortal combat constantly rise and will increase by many thousands. Our industrial capacity strains and struggles under the burden of producing tools of war. Our military forces are thinly spread around the world as they guard against aggression. At this moment we find ourselves pinned down by a small third-rate nation in a contest that may determine whether all the people of Asia will live under Communism. We are engaged in a military action which we must win decisively. A stalemate will be a defeat for us, and a victory for our Communist enemies.

This is the hour for a national decision and for personal dedication. The time has passed when it was useful to argue whether, and to what extent, we should have become involved in Vietnam. We are there. Let us begin where we are. More than three thousand of our finest men have made the supreme sacrifice while bravely supporting the battle flag of their country. Another seventeen thousand have been wounded—some of them marked for life by the scars of the conflict. To these 17,000 men, this has not been a "limited war."

Having committed American military men to battle, the American government and every citizen of the United States is irrevocably committed to their full support. First and foremost, that makes it necessary, if an honorable negotiated peace is not possible, that our government adopt a policy and a course of action designed and calculated to win a decisive military victory as quickly as possible.

Secondly, it is essential that every person, who benefits from or enjoys the freedom and liberty provided by this nation, dedicate himself to its preservation.

The time has come when we must forego some of the luxuries of peace and plenty. The idea of carrying on every normal and fringe benefit functions, and adding to government benefit every day, is ridiculous. Instead we must recognize the necessity for and, if necessary, make whatever sacrifices are required by this time of crisis and challenge.

The men we send to war deserve nothing less. The obligation to perpetuate our heritage demands that we respond quickly, completely and effectively as a nation and as individuals.

The most urgent requirement now is national unity. Carping criticism and divisive arguments that tear down our national spirit have no place in the constructive discussion of our problem. The right of protest does not give license to engage in campaigns and demonstrations that lend aid and comfort to the very enemy who today is killing and maiming our fighting men in steaming and reeking jungles half way around the world. It is inconceivable that we should tolerate or excuse such activity, much less encourage or defend it.

In time of war or national crisis, it is the duty of all Americans to give full and complete support to the national purpose and objectives. The highest duty to do so falls upon the government, religious, educational and social leaders at every level—national, state and local. There is no substitute for a national will to win.

We cannot with consistency condemn demonstrations in Vietnam that impede the war effort, unless we move swiftly to denounce and eliminate in our own country draft card burnings, interference with shipment of war goods, sit-ins at draft board offices, and institutions where tests are administered, and other protests that aid and comfort our enemy. I condemn such actions with all the vigor of my being; they have no place in our American life. They actually aid and encourage our enemies and are secretly applauded by them.

Interference with and inconvenience to personal plans and ambitions afford no excuse for an individual to shirk or avoid his high personal obligation and duty to his country. The battlefields of Bunker Hill, New Orleans, Gettysburg, Iwo Jima, and Pork Chop Hill, as well as the ramparts at Fort McHenry and the fields of Flanders, are littered with the crushed hopes and unrealized aspirations of gallant Americans who answered their country's call to duty.

The Legislative and Executive branches of our government must also face up to the fact that we have to pay for an expensive and expanding war. The hard, brutal fact is that the price of victory cannot be avoided. Drastic curtailment of domestic expenditures, including those for the so-called Great Society program, is essential. If the war continues a tax increase is necessary and should be enacted. We cannot convince either our friends or our foes that we are serious about winning this war as long as we operate on a normal peactime "business as usual" or "pleasures compounded" basis.

In brief, the time for half measures has passed.

Americans everywhere should now close ranks and give our fighting men in the field the support and backing they need and deserve. Earnest debate on our present and future policies should not be stopped but it should be constructive, positive, and affirmative. Negative arguments which suggest that we are a belligerent, arrogant power or an outlaw nation divided and working at cross purposes lead only to defeat.

Those who condemn our present course do not offer to accept responsibility for any other action; nor do they offer feasible alternatives. Continued criticism will only cause the world to mistake our national purpose and lead to more casualties and less peace.

No one desires more devoutly than I an end to the fighting, an end to the sacrifice of precious American lives, and a just and honorable peace in South Vietnam. However, history of the Communist movement should teach us that we are likely to achieve these objectives through strength rather than weakness. The Asiatic Communists have, I firmly believe, decided to draw the line in Vietnam and make this a test of both our military power and our strength of national purpose and determination. They will bleed us as long and as much as they can.

History also teaches us that in dealing with Communist leaders such as we face in Asia, we are not dealing with kindly men

filled with benevolent good will for their fellow men. They are openly committed to the destruction of free and democratic societies. They are convinced that a long, bitter and grinding war on the ground, with its attendant blood and sacrifice, will drain our will and our capabilities to the point that we will either withdraw or consent to peace on their terms. I do not believe that they will be convinced to the contrary unless and until they come face-to-face with either the clear and certain prospect, or the actuality, of military defeat.

Therefore, if an honorable diplomatic peace is unattainable, the ending of this war by military victory and the stopping of bloodshed should and must be our first order of business. This is the best and surest way to shorten the war and save American lives. This, I believe, is our only true road to peace.

Further, we must not isolate or separate our current problems in Southeast Asia from the rest of our worldwide problems and commitments. It would be a serious mistake to assume that Communist aggression will be confined to the Asian theater. It is probably that we will go through years if not decades of widespread testing, outbreaks, infiltration and subversion all around the world. This makes it imperative that we measure our military strength and preparedness against the possible demands which we may face in view of our worldwide commitments.

We can win this war and I believe we will, but I warn that there is no basis for belief there will be a quick and easy solution.

It is necessary that we make not only a reappraisal of individual and personal responsibilities under our form of government, but a rededication to these principles.

I do not need to remind Marines and other American fighting men of the sacrifices and dedication required to preserve freedom and perpetuate democracy. The discipline of the Corps has implanted firmly on your minds the legend of your predecessors in heroic performances at Belleau Woods in World War I and Wake Island and Bataan, Corregidor and Guam and Iwo Jima in World War II. Many of you know first-hand the misery and suffering of Korea and Vietnam. Your response in these and other actions has been outstanding. Throughout the years you have proved over and over again that a well-trained American is the finest fighting man the world has ever known.

In times of crisis the United States Marines have borne the pain, the loneliness, the fear and hardship of war bravely and with highest honor. The nation has been moved to new strength by your display of courage, valor and skill in the face of overwhelming odds.

In this time of challenge let every citizen in every town, in every countryside take heart and strength from your example and in this time of crisis unite and move shoulder-to-shoulder toward whatever task is necessary to gain victory.

Each of you has attained a position of true leadership and broad responsibility; your authority and leadership extends to both officers and enlisted men. Let me doubly emphasize that you will never do a finer day's work than when you are teaching these men the basic qualities in life that are essential to true citizenship. This is done both by precept and example.

After all is said, by far the most important part of any military organization is the men—the men—the men. Teach them that honor does count; that quality and character are essential; that thrift and prudence are necessary; that a will to work and a will to excel are a part of worthiness; and that by all means, individual effort and individual responsibility is the only road to attainment and self-respect.

These qualities must be found in individuals and in nations; without them we grow weak and with weakness comes decay.

It is true we live in a time of peril but let us remember we are a powerful nation. We have great and untapped reserves of moral and spiritual strength. We live in perilous times but let us stand our ground, thankful for the opportunity to serve.

I like the spirit of the dying soldier on the battlefield in World War I who, mortally wounded—and he knew it himself—said to the medics as they kneeled down and asked what they could do to help him, "You can't help me. I'm already too far gone. Move forward on the field of battle and help those who have a chance. As for me, I thank God that He matched me with this fine hour."

As benefactors of a great heritage, and a wonderful spirit of liberty and freedom that has been given to us—and is alive yet—let us face whatever the future holds with dedication and thank God that He matched us with this hour of challenge and peril.

HIGHER DIVIDEND RATES ON THE WEST COAST

Mr. HARTKE. Mr. President, I wish to praise the action of Chairman John Horne of the Federal Home Loan Bank Board for cautioning west coast savings and loan associations about raising their dividend rates about 0.5 percent.

I ask unanimous consent that an article on Chairman Horne's action reported in the Washington Sunday Star, be printed in the CONGRESSIONAL RECORD at this point. The danger of a rate war in the West would have repercussions throughout the country. All of us should be concerned and take steps to see that the dividend-interest cycle is not accentuated.

I commend this article to my colleagues' attention.

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

HORNE ISSUES STERN WARNING AS TWO SAVINGS AND LOANS PLAN TO PAY 5¼ PERCENT—DANGER OF OVERREACHING ABILITY STRESSED IN WEST COAST ACTION

(By Donald B. Hadley)

A decision by two large California savings and loan associations to raise dividend rates to 5¼ percent on regular passbook savings and to 5¾ percent on 36-month savings certificates brought a stern warning from Chairman John Horne of the Federal Home Loan Bank Board at the weekend.

After the dividend increases by Home Savings and Loan Association and Lytton Financial Corp., Horne called them "unfortunate" and warned other West Coast associations not to follow.

"The board regrets the decision and is studying the matter further," he said. "Any association in determining whether or not to follow this unfortunate action should be aware that it may very well be overreaching its ability to achieve its objectives at the higher rate and could therefore encounter difficulty further down the road."

The FHLBB which regulates savings and loans, imposes borrowing penalities on associations which exceed its suggested interest ceiling, now 5 percent. But some associations do not depend heavily on such borrowings.

BOARD MEETINGS CALLED

A survey of major savings and loans in southern California disclosed most of them are calling board meetings this weekend or soon to consider whether to follow the increases of Home Savings and Lytton. Home Savings is the Nation's largest S&L and Lytton controls two associations.

None of the other associations contacted in the survey indicated any decision to raise rates.

The California Savings and Loan League reported many of its member associations will be reluctant to follow the lead of the two other associations to higher dividends and will not act in a hurry.

Members generally are unhappy about the breakthrough because they feel that 5 percent passbook rates and 5½ percent bonus rates will attract as much money as higher rates at less cost, the league reported.

Frank Hardinge, executive vice president of the league, said it would be a mathematical necessity for S&Ls that go to 5¼ percent to raise their charges on real estate loans to as high as 8 percent "which is most unfortunate."

Lytton Savings and Loan Association, a subsidiary of Lytton Financial, said its four Los Angeles area offices will begin paying 5¼ percent on passbook accounts and 5¾ percent on special bonus accounts, effective July 1. "We may pay more," said Bart Lytton, president and chairman. Home Savings announced Thursday it would begin paying the same rates on July 1.

Lytton currently pays 4.85 percent passbook accounts and 5.35 percent on a variety of bonus accounts on minimums of $5,000 for 36 months.

READY FOR RATE WAR

"If this be a rate war, we are big, strong and ready," said Lytton. "Our attitude is that since Congress failed to put a ceiling on interest rates, we kind of look at the thing as though we're in a rate war."

Lytton said he was referring to the House Banking Committee's decision not to put limits on banks' certificates of deposits. Lytton considers the S&L's main competition for savings has been the small-denomination CDs issued by banks, particularly in southern California.

Lytton Financial has not decided whether to change rates of its other subsidiary, Lytton Savings and Loan Association of Northern California.

In the meantime reports came in of additional increases in rates paid by commercial banks and mutual savings banks for certificates of deposit.

DIME SAVINGS ACT

Dime Savings Bank of Brooklyn, second largest mutual in the country, said it will pay 5 percent on regular savings in the quarter starting July 1, compared with a previous rate of 4½ percent.

Board Chairman Gordon S. Braislin emphasized that the ½ percent point increase may be temporary. The rate will be reviewed each quarter and will be determined by conditions in the money market, he said.

Earlier in the week, the New York Bank for Savings, announced it will pay 4.6 percent on regular savings and 5 percent on term accounts, beginning July 1. Most mutuals in New York are paying 4½ percent for regular savings.

In Pittsburgh, Mellon National Bank announced it will offer a 5 percent savings certificates with two-year maturities.

They will be issued in minimum amounts of $1,000 and additional multiples of $100. The bank currently offers six months' CDs paying 4¼ percent and 12 months' CDs paying 4½ percent.

The rate war in the West Coast was far removed from the rate situation of savings and loans and banks in this area.

Washington area banks have steered clear of top rates on certificates of deposit and there has been little pressure on savings and loans to push up rates. Because usury laws

in both Maryland-Virginia limit home mortgage rates to 6 percent, very few area associations can afford to pay even as much as 4¾ percent to attract savings for relending purposes.

POLICE BRUTALITY AND CRIME

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD three letters to the editor which appeared in the Washington Star on June 21. The letters deal with police brutality and crime.

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

SIR: Although this comes a bit late, I still want to commend you for your editorial, "Police Brutality," which appeared April 30. I thought it was excellent.

Our local police have a tough and thankless job to do. They could undoubtedly perform their vital services even better than they do if more people would support them in their efforts to make our streets and cities safe for walking and living. According to official government figures, the charges of "police brutality" we hear so much about tend to be phony in over 99 percent of the cases. Good citizens should deplore the many attempts which are made to tear down the image and morale of local law enforcement.

I think newspapers could help greatly in this area by being a little more fair and unbiased in the pictures many of them carry regarding law enforcement. As Quinn Tamm, executive director of the International Association of Chiefs of Police, put it a year ago: ". . . it seems that photographers always come up with a dramatic picture of a policeman slugging some demonstrator. But we have hundreds of policemen injured, and not once have I seen a picture of a policeman being attacked. . . . It is hard to put into a picture the circumstances which made the use of the night stick necessary, and the only thing the public sees is the policeman beating someone."

Let's support our local police, and give them the encouragement they need to do their best job. They are, after all, the best friends law-abiding citizens have.

ROBERT W. LEE.

SIR: Recently I attended a party comprising a gathering of old friends. Yes, a few cocktails were served.

Two of the men who had reached a high level of success in the business world became engaged in a jovial, bantering conversation. One of them said, "John, what are your plans for those two wonderful sons of yours?"

"Well," said John, "I am seriously thinking of placing one of them in the hands of a baseball coach, the other with a football man. I might make a couple of bonus boys out of them. In this way, they can start out as rich men from the beginning. And in another category, I have been toying with the idea of placing them in the hands of a professional criminal. You know, as things go these days, there is a great future for a young man in a career of crime."

There was uproarious laughter in this last statement. But another fellow joined in and said, "We are all laughing, but we are doing it with tears in our eyes."

So in mental reflection of all this, I am compelled to admit that what was said in light jest actually portrays life in our present generation.

Ironically or not, here we are in the midst of one of the most deplorable periods of crime in the life of our country. And with all this solid knowledge, our Supreme Court has just rendered another verdict in favor of the criminal.

In conclusion, I wonder just what the future holds for our police officers, our defenders. I wonder if most of them don't have strong leanings of chucking the whole thing. What public encouragement is there left to sustain them?

EARL B. COYLE.

SIR: At the June board of directors meeting of the Central Business Association, we discussed thoroughly the current situation in connection with charges made of "police brutality."

A great many of these charges are false and unfounded but investigation, we realize, is necessary in all cases. We feel that the citizens of the District of Columbia should show more clearly their respect for law and order and the job our policemen are trying to do and that anyone filing a false complaint of "police brutality" should be prosecuted.

A great deal of our policemen's time as well as our tax money would be saved by this action.

A. ALAN OLSHINE,
President, Central Business Association.

OFFICE OF PESTICIDES SHOULD NOT BE ABOLISHED

Mr. RIBICOFF. Mr. President, I am concerned by reports that the Public Health Service is disbanding its special unit dealing with pesticides.

Until a Senate subcommittee held public hearings on the interagency coordination of environmental hazards, concentrating on pesticides and public policy, the Public Health Service had no separate pesticide unit. Such vital activities as pesticide sampling and analysis in our air, water and total environment were widely scattered around the United States among divisions responsible for water pollution, air pollution, and various research facilities.

After the hearings were concluded, we began to see some progress in the effective consolidation and coordination of these activities. The creation of a special pesticide unit, with its own staff and laboratory facilities, was a hopeful indication that the important problem of pesticides as an environmental hazard was to receive the attention it so urgently deserved in the Public Health Service.

If this unit is now abolished, it would be a step backward. It would be similar in its unfortunate consequences to the abolition, in January 1965, of the Traffic Safety Branch of the Division of Accident Prevention. And it would be one more disturbing indication that the status of environmental health is being downgraded in the Public Health Service.

I hope that the Surgeon General and the Secretary of Health, Education, and Welfare will give this situation most serious consideration. The success of programs depends often on their status and prestige in an organizational framework. Abolishing the Office of Pesticides in the Public Health Service will relegate this function to the same organizational setup that existed before the publication of Rachel Carson's book, "Silent Spring," and our subcommittee hearings.

RECENT DEVELOPMENT IN NAWAPA AND CONTINENTAL WATER PLANNING

Mr. MOSS. Mr. President, earlier this month it was my good fortune to address the Royal Society of Canada—the senior learned society of the Dominion—on continental water policy.

I assume the invitation came to me because as chairman of the Western Water Subcommittee of the Senate Public Works Committee I have initiated some investigation of the North American Water and Power Alliance, better known as NAWAPA. For the past 3 years I have been encouraging discussion of it and of other North American water plans, on both sides of the Canadian-American border.

NAWAPA, as my colleagues in the Senate all know, is a continentwide plan for the collection, redistribution, and efficient utilization of Alaskan and northern Canadian waters which are now running off to the seas totally unused or only partially used.

The plan, which was adopted, expanded and developed by the Ralph M. Parsons Co. of Los Angeles, would collect from 15 to 18 percent of the excess runoff in these areas and would divert the water south and east through a continent-serving system of tunnels, canals, and improved natural channels linking chains of reservoirs. The controlled distribution of these unused waters from the north would be pooled with waters from producing areas of both Canada and the United States to the great benefit of 1 territory and 7 provinces in Canada, of 35 of the States in the United States, and 3 states in Mexico. All are now suffering from water shortages or some other water problem.

Under the direction of the Western Water Subcommittee an inventory was made of water resource projects being built or planned by U.S. Federal agencies in Western, Midwestern, or Southwestern parts of the United States, and the effects of these projects were compared with the NAWAPA concept. It was found that for about 25 percent greater cost, NAWAPA could deliver twice as much water.

This inventory has become a best seller—so much in demand that it has to be reprinted, and it has been widely distributed both in the United States and Canada.

Most of the comments which have been heard within the United States about the NAWAPA concept are favorable. But for months after the concept was catapulted into the limelight through subcommittee activities, the only sounds which came out of Canada were disapproving.

About a year ago, however, a voice was heard here and there in Canada, saying in effect:

> This idea of exporting water to the United States is at least worth looking into. It might be a very good deal financially for us. Let us see what our water supplies are, what our harvesting capabilities are, and then analyze what our needs are, or will be in the future, and decide what we should do.

An extended Dominion debate ensued, which was heightened when water import became an issue in the campaign for the prime-ministership last fall.

This debate whetted the interest and curiosity of some of the Nation's most erudite scholars and distinguished citizens who compose the Royal Society, and they decided they wanted to hear both sides—both the American and Canadian arguments in full. They chose as the Canadian representative the man who is probably the most outspoken and unbending opponent of water export—Gen. A. G. L. McNaughton, former Chairman of the Canadian Section of the International Joint Commission. I was asked to present the case for the United States.

The confrontation, if it could be called that, occurred at the University of Sherbrooke, in the province of Quebec on June 6. Both speeches received wide coverage in the Canadian press. The Financial Post, which might be called the Canadian counterpart to the Wall Street Journal, devoted its front page on June 18 to extensive quotations from both speeches under the provocative headline: "Canada's Big Water Fight With U.S. Now Getting Needle Sharp."

General McNaughton said frankly that the NAWAPA proposals were "quite unacceptable," even though they were similar to "schemes" being proposed by a Canadian, Thomas Kierans of Sudbury.

The rivers in question, he said were "national" and not "international," and "Canada would be foolish indeed to recognize or permit any international character to be ascribed to those national waters, and they would assume just such a character if they were subjected to any international study."

No American, as far as I know, is suggesting an international study, but only that Canada assess her water resources in her own way, and then come to her own conclusion as to what she wants to do with them.

I made this clear again and again in my speech. In one place I said:

In order that there be no misunderstanding in this area, let me state my position clearly. After you in Canada have measured your water and projected your own ultimate requirements, it is my hope that you will find that you have water for export—over and above your own foreseeable need.

And later on:

The people of the United States cannot expect the people of Canada to consider entering any arrangement unless it is demonstrably and unquestionably for Canada's long-term interest, and so found by Canadians."

To the members of the Royal Society, I said:

The thrust of my message is a plea to support the long-range studies, the surveys and the appraisals, and the planning which would provide, without unnecessary delay, a sound basis for the effective management of your water resources.

And in closing, I made this appeal:

Commonsense and prudence dictate that both countries keep an eye on a possible continental system as each of us design national water projects. Let us make sure that while we are making up our minds about the value of a continental approach that we do nothing to make it unworkable.

General McNaughton based much of his presentation on the fact that the rivers which would be involved in the NAWAPA plan are part of "the Canadian cordillera which provide a great series of prime power sites—rivers which form the basis of one of the world's greatest concentrations of the forest product industry."

There are definite plans—

He said—

on Canadian drawing boards; there are projects under construction to harness these flows.

I recognize that this is true. Canada is moving to use her great resources to promote industry, and improve life for her people. America could not approve more heartily. But Canada has stored away in its lake one-fourth of the world's total supply of fresh, cool water. The question is whether some of this water will not be surplus after the Dominion has used all it needs now, and projected all its future needs. I stressed again and again that the United States was only interested in surplus water.

Following our formal presentations, both General McNaughton and I submitted to questions from the audience. The question period extended well over an hour. I found deep interest, alert thinking and cordiality in the questions which came my way. I left Canada feeling that the dialog at Sherbrooke had cleared the air of many misunderstandings, and that it would be followed by even more lively discussion of the NAWAPA concept out across the width and breadth of the country.

Shortly before the Royal Society discussion took place, a most interesting speech on water was made at the annual meeting of the Canadian Water System Manufacturers Association by Jack Davis, a member of Parliament, and Parliamentary Secretary to the Minister of Mines and Technical Surveys.

Mr. Davis is far from ready to accept the NAWAPA concept—he warned that it was a "vast export proposal," and suggested that Canada "should never sell any of our resources at cost," but only at a price "which is close to all that the traffic will bear."

He did not, however, close the door on NAWAPA.

Let me make myself clear—

He stated—

I believe in discussion. I also believe in cooperation. I believe in the exchange of water especially on rivers which cut across or run along the border between Canada and the United States. But the wholesale diversion of water from rivers which are internal to Canada is something else again. We will have to look at this suggestion very carefully before we even begin to discuss it with our friends in the United States.

This is, of course, exactly what America is advising Canada to do at this time.

Mr. Davis' speech contains two other paragraphs, which bear repeating:

I must say that I am a Canadian nationalist. Sometimes it is in our national interest, however, to take the broader view. Our resources, and their effective exploitation, must be viewed in international terms. Only when they are seen in this context do they take on their true, long-term value. But this does not mean that we must give them away. Far from it! Having a better idea of what they are worth we may keep them entirely to ourselves—either that or sell part of the resource sparingly for a price which is thoroughly competitive in the best possible market in the world.

* * * * *

Thank goodness we are being alerted in time to get all the facts before critical shortages begin to develop in the United States. With more facts we will be able to make better decisions. And, in this period of grace, we will also be able to hammer out certain fundamental principles—principles upon which cooperative action with the United States can be based. The international boundary line cuts across a number of river basins. Nearly a third of our water is affected in this way. However Canada and the United States have a long history of fair dealing and because fair dealing is fundamental in the case of water, we have every reason to expect that our future discussions will be both fair and well informed.

And, finally, Mr. Davis said something else which was most interesting to me.

Distinguished Members of Congress have introduced resolutions and distributed policy papers asking the U.S. Government to approach Canada at an official level. So far as I know we have yet to receive a direct inquiry from Washington.

It seems to me this indicates that an official inquiry would not be unwelcome, to say the least.

Thus the continental water debate proceeds—swinging from General McNaughton's comment that it is "madness to believe Canada has surplus water in an area earmarked for major development," to the more moderate attitude of Mr. Davis that "discussion is in order."

The NAWAPA concept is without question intensely in the discussion stage, which is a prelude to the investigation and perhaps to action.

For the information of my colleagues of the Congress, I ask unanimous consent that the two articles to which I referred be printed at this point in the RECORD.

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

[From the Financial Post, June 18, 1966]

CANADA'S BIG WATER FIGHT WITH UNITED STATES NOW GETTING NEEDLE-SHARP

"It is madness to believe Canada has surplus water in an area . . . earmarked for major redevelopment"—McNaughton.

"You will find a profitable market for it (export water) south of the border in both the United States and Mexico"—Senator Moss.

(Here are digests of their speeches at the meeting of the Royal Society of Canada held at Sherbrooke, Que.)

"CANADA'S FUTURE IGNORED IN SWEEPING U.S. PROJECT"

(By A. G. L. McNaughton)

(General McNaughton is former chairman, Canadian Section, International Joint Commission, and a strong proponent of firmly keeping control of Canada's water resources in Canadian hands.)

Vital and important questions are raised concerning Canada's future by propositions such as that currently being touted under

the somewhat pretentious name of the North American Water & Power Alliance (NAWAPA). Of course, this proposal is not an alliance at all; it is nothing more than an attempt by Ralph M. Parsons Co., Los Angeles, a private engineering firm, to drum up business for itself.

These proposals are quite unacceptable. Despite some temporizing pronouncements which have been issued by distracted politicians, I believe this position represents the view being taken by our best informed technical and administrative officers and by responsible members of our engineering profession who are best qualified to judge the merits and demerits of any physical arrangement.

There are similar, and indeed possibly associated schemes, being put forward in Canada by such people as Thomas Kierans, Sudbury, whose GRAND canal scheme would divert rivers flowing into James Bay, and more recently by Professor Edward Kuiper, University of Manitoba, who would reverse the flow of a large part of the Nelson and Churchill Rivers flowing into Hudson Bay.

With one exception (the Red River) these rivers are all national rivers of Canada—that is, they flow entirely within Canada, from source to mouth, and therefore the benefits which accrue from them belong wholly to Canada. Over national waters, there can be no question that jurisdiction of the nation in which they are situated is supreme.

Canada would be foolish indeed to recognize or permit any international character to be ascribed to these national waters, and they would assume just such a character if they were to be subjected to any international study.

British Columbia, Alberta, and Saskatchewan have made the clearest declarations against the sale of Canadian waters; and Quebec is too well informed and too intimately concerned over water for the public welfare to be drawn into export, especially for compensation in the form of a silly project like a canal to Knob Lake, which forms part of the Parsons scheme.

An example of the position taken by provincial governments is that of Premier W. A. C. Bennett, who said B.C. "will sell the U.S. hydro electric power but not water. Even to talk about selling it is ridiculous. You do not sell your heritage."

NAWAPA propagandists love to talk of great quantities of water spilling unused into the Arctic Ocean. But the major sources for the scheme are hundreds of miles from the Arctic Ocean.

They are, in fact, the rivers of the Canadian cordillera which provide a great series of prime power sites—rivers which form the basis of one of the world's great concentrations of the forest product industry, rivers which provide some of the finest salmon runs in the world.

There are detailed plans on the Canadian drawing boards; there are projects under construction to harness these flows. The associated mineral and forest resources are already staked out, and the required human and financial resources are being attracted to the region.

NAWAPA promoters would move all of this out of Canada—the people, the industry, the water. It can only be described as madness to believe Canada has surplus water in an area that is so obviously earmarked for major resource development, and where so much is already taking place.

NAWAPA, of course, has nothing to do with maximum development of these rivers or resources in Canada. Its purpose is to flood the valley in Canada, and to drain off the water in regulated flow for beneficial use in the U.S. But the valleys themselves are of vital importance to B.C., because they contain the level land which is so vitally needed for roads and railways, for industries, for people and for agriculture.

This scheme ignores all the plans which have been made in Canada for the use of the waters and the lands of the Rocky Mountain Trench. For example, it ignores Canadian plans to capture the waters of the Yukon by backing them into the Atlin Lakes and thence through a head of something more than 2,000 ft. for power in Taku inlet.

It ignores the fact the Peace River is now being harnessed for power; it ignores the development plans which exist for the Fraser and Thompson Rivers.

It seems to ignore developments under construction on the Columbia River, from which the U.S. will receive about 50 million acre-ft. of Canadian water in the form of regulated flow, at a cost to the U.S. which is less than the cost to Canada of constructing the dams. Surely this is enough pillage in the appropriation of our waters, without further extension into the national domain.

If, in the course of development of B.C. waters, there is water left over, the Rocky Mountain Trench is the natural reservoir for it, and the Canadian West—not the U.S. Northwest, or Southwest or Midwest—is the logical beneficiary.

The Canadian Prairie region can look forward to maximum development of its agricultural potential made possible by water for irrigation. It can also look forward to major developments in mineral, fossil and forest resources. The logical consequence of such development will be a major petrochemical industry, metal producing industries, pulp and paper industries—and these all call for large supplies from the annual flow available.

It is evident the NAWAPA proposal contemplates that complete jurisdiction and control will rest with a corporation which, although it might be nominally international, would in reality be dominated by Americans who would thereby acquire a formidable vested interest in the national waters of Canada.

With this mammoth inroad into Canada's lawful rights and interests, the corporation inevitably would, in the nature of things, have to assume quasi-sovereign power to administer large areas of Canada at the expense of Canadian sovereignty.

"CANADA SHOULD CO-OPERATE WITH U.S. ON WATER POLICY"

(By Senator FRANK E. MOSS)

(FRANK E. MOSS, a U.S. Senator from Utah, makes a strong plea for serious consideration of an ambitious plan to export surplus Canadian water to the United States.)

Time may be crowding Canadians less, but the challenge of preserving your water resources is clear and near. The challenge looms larger and closer for us in the U.S.

We are already feeling the sharp pinch of necessity. Our demands are quantitatively greater than yours, and the pattern of population growth and industrial development in the U.S. is putting tremendous pressure on us.

The thrust of my message is a plea to support the long-range studies, the surveys, the appraisals, and the planning which will provide without unnecessary delay, a sound basis for effective management of your vast water resources.

In order that there be no misunderstanding in this area, let me state my position clearly. After you in Canada have measured your water and projected your own ultimate requirements, it is my hope that you will find that you have water for export—over and above your own foreseeable needs.

I assure you that you will find a profitable market for it south of the border in both the U.S. and Mexico.

Preliminary studies indicate it is technically feasible and economically sound to collect, store, and redistribute unused runoff water from the northern reaches of the continent. Unlike oil and uranium, water can be marketed on a sustained yield basis.

But first, you must answer the basic question as to whether it is clearly to your advantage to export water. This question cannot be answered definitively until Canada's water-harvesting capabilities are fully and accurately measured.

If we want to continue to live in constructive peace on this richly endowed continent of North America, and to grow, as St. Luke said, "in wisdom and stature," then we must cooperate in taking care of it.

A certain amount of Canadian skepticism is a normal reaction to the widespread discussion in the U.S. on continental water planning, and particularly to the great attention which has been given to the North American Water and Power Alliance—or Nawapa concept. It is a concept that relates to a continent-wide water system, and not to continental water.

It is a continent-wide plan for collection, redistribution, and efficient utilization of waters now running off to the seas totally unused or only partially used. It would collect about 15%–18% of the excess runoff from the high-precipitation, medium-elevation areas of Alaska and Western and northern Canada.

It is important to keep in mind that the concept deals with surplus water. By proper diversion and storage, optimal flows can be maintained downstream and flood peaks leveled.

This collected, surplus water would be diverted south and east through a continent-serving system of tunnels, canals and improved natural channels linking chains of reservoirs.

Such controlled distribution of the waters from the north, pooled with waters from the interconnected producing areas of both countries, would benefit one territory and seven provinces of Canada, 35 states of the U.S., and three states of Mexico.

Nawapa would create a vast power generation system across Canada, pivoted in the west on the Peace River project. It would supply new industrial and agricultural water and would provide low cost water transportation to the Prairie provinces. It would stabilize flows in both the Columbia and St. Lawrence—with protection for the port of Montreal—and permit stabilization of the levels of the Great Lakes with living new water from both the northwest and from the James Bay watershed.

In the U.S., Nawapa would permit increased flow in the Upper Missouri and Upper Mississippi during low flow periods. It would provide ample supplies of clean water for all of the arid states of the west including supplies for restoration of groundwater where it has been depleted.

Nawapa would also provide new high-quality water for Mexico in amounts many times greater than that the Egyptians will garner from the Aswan high dam.

A determination of real precision—one in which the public can have confidence—must be made, and it must demonstrate clearly that Canada does, in fact, have sufficient water harvesting capability to consider export to her neighbors to the south.

It would make little sense for us to debate further at this time any of the details of the continental planning concept, or even the question of whether it is a good idea for either country. But it makes a lot of sense to go after the facts on which to base definitive judgments.

The Nawapa concept has a price tag, obviously very loosely attached, of $100 billion for a 25–30 year construction program. Parsons engineers estimate that about 48% of

the Nawapa investment would be in Canada, slightly less in the U.S., and about 5% in Mexico.

The total revenues from Nawapa activities and services, from the sale of water and electric power, and from other charges for use of facilities, are estimated at about $4 billion a year. Annual operating expenses are estimated at less than $1 billion, leaving $3 billion for capital financing. This makes the scheme quite practical for amortization within the usual time for water projects in my country.

Most of the water revenues will come from the U.S. While more than half of the power available would be generated in Canada, the U.S. would in the normal course of events, provide a market.

British Columbia would have the greatest Nawapa investment, in storage, power and navigation facilities. The town of Prince George would be the centre of a complex of waterworks unrivaled anywhere in the world.

The province would be the site also of what might be the single most controversial feature of the initial Nawapa concept. This is the proposal to make a huge lake out of the natural defile known as the Rocky Mountain Trench, along the west side of the Canadian Rockies.

Studies must be made, of course, to determine the ecological impact of such a man-made, inland, fresh water sea. If this project were judged to be too costly in terms of real estate and wilderness impact, other routes for the transfer of water could doubtless be found, but the values of such a great, useful, spectacular new lake should also be considered.

Both the U.S. and Canada must determine what we should do—and determine it fairly soon. To help make such a determination, I introduced a resolution last summer to provide for the use of the mechanism of the International Joint Commission to investigate the Nawapa proposal.

I chose IJC because it is an existing and qualified agency through which both countries can work. I am now beginning to have some reservations, however, about using IJC—not because of principle—but because of timing and the scope of the job.

The task is broader than the charter of the IJC, and there are several years of U.S. and Canadian homework to be done merely to develop instructions for an international agency. Besides, IJC studies of pollution and control of lake levels must be speeded because of the pressing importance of corrective action on the Great Lakes.

The lessons to be learned in working out joint programs for the improvement of this shared water resource should point the way to broader programs involving transfer and export of more distant waters.

Commonsense and prudence dictate that both countries keep an eye on a possible continental system as each of us design national water resources projects. Let's make sure that while we are making up our minds about the value of a continental approach that we do nothing to make it unworkable.

ANOTHER LANDMARK CASE AND ITS SEQUEL

Mr. TALMADGE. Mr. President, last week in the Washington Evening Star, there appeared an excellent satirical column by James J. Kilpatrick concerning the recent decision by the U.S. Supreme Court on police interrogation of criminal suspects.

Although done in an extremely humorous vein Mr. Kilpatrick's column dealt with a very serious and pressing problem confronting law enforcement agencies today. The Court's decision, as has been widely reported and criticized, laid down strict guidelines which in all probability will have the effect of destroying police interrogation and undoubtedly will make confessions a thing of the past.

Last night in the Evening Star, there appeared another column by Mr. Kilpatrick providing a sequel to the exploits of the imaginary criminal, Joseph Doakes, which were chronicled in his first piece.

These two columns pointed out very forcefully the absurd extremes to which the courts can go in an alleged effort to protect the constitutional rights of criminal suspects, at the expense of the safety and security of our law-abiding citizens.

Mr. President, I ask unanimous consent that Mr. Kilpatrick's latest column be printed in the RECORD.

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

ANOTHER LANDMARK CASE AND ITS SEQUEL

(By James J. Kilpatrick)

A letter is at hand from a certain judge of long acquaintance, a gentleman whose eminence is exceeded only by his sense of sound discretion. He wishes not to be quoted by name, but his scholarly contribution to the developing law of criminal rights ought not to be suppressed.

The letter is dated June 23, 1971.

"I read with some interest," writes my learned friend, "your recent column on Doakes v. Illinois, 586 U.S. 417, decided June 20, 1969, but regret that space prevented you from a fuller treatment of this milestone of the law. You hit the high points, but you wholly neglected the follow-up case—the spectacular second Doakes case—which is reported as 594 U.S. 311.

"In the first case, as you recalled, the Supreme Court reversed and dismissed the conviction of Joseph Doakes for the murder in Chicago of one Dollee Mame. The evidence indicated that Lieutenant Blackstone and Sergeant Wigmore had forced their way, without a warrant, into the room where the body and the pistol were found. By a natural extension of Mapp v. Ohio, the body itself was declared inadmissible evidence.

"Evidence as to the pistol also was barred, though not on Fourth Amendment grounds. Here it was shown that the fingerprints on the gun matched Doakes' fingerprints, but it also was clear that the police had printed the defendant against his will. It was held that he thus had been compelled to be a witness against himself, in violation of the Fifth Amendment. The court reversed its holdings of June 20, 1966, in Schmerber v. California, the blood-sample case, and ruled that mandatory fingerprinting now must be regarded as an impermissible violation of the dignity and integrity of the person.

"But the high court went even further, and this you failed to make clear. The evidence of Joe Doakes himself was ruled inadmissible. You will recall that some of the neighbors in the tenement house were summoned as prosecution witnesses. They looked at Joe in the court room and identified him as the man seen entering Dollee's room earlier in the evening. This was held not to be evidence secured by the state's 'independent labors,' for without Joe's compelled presence there would have been no identification. That evidence also went out.

"So much for the first Doakes case. It produced, as you will recall, a brief wave of public indignation. Senator DIRKSEN introduced 12 constitutional amendments to undo the decision, and Senator THURMOND offered 46 more. Even the New York Times felt the decision had gone 'a mite too far.' But not surprisingly, these protests availed nothing against the view that ours is a government of law, not of men; the Supreme Court must be respected; and it was an insult to disagree with the Doakes opinion. The resolutions for constitutional amendment died.

"Then Joe shot Dollee's twin sister, Lily May, and came on once more for trial. This led to the second Doakes opinion, which you ignored altogether. As you know, this conviction also was reversed.

"The high court concluded, in its 1970 opinion, that the police had failed to demonstrate any good reasons for arresting Joe; his seizure was therefore unreasonable and invalid under the Fourth. The court further concluded that the shooting of Lily May, while not exactly the same offense as the shooting of Dollee, was in essence the same offense. It was therefore a matter of double jeopardy, and the prosecution could not be sustained under the Fifth.

"But the principal teaching of the second Doakes case had to do with the Sixth Amendment. The publicity attendant upon the first trial, it was held, had made an impartial jury impossible of selection. So the jury itself was held impermissible. More than this, the court imparted new gloss to the provision that every accused is entitled 'to have the assistance of counsel for his defense.'

"The court's remarkable finding was that the right to counsel henceforth must attach at the moment a crime is committed. There was no evidence that Joe's lawyer was with him when he shot Lily May. His right to have a lawyer at this time had not been explained to him, nor had it been waived voluntarily. 'We do not hesitate to assert,' said the majority opinion, 'that the necessity for legal assistance begins not in court, not at the station house, but in the moment of the criminal act. Here the friendless and oppressed defendant stands in direst need of legal advice. The Constitution gives him this right. We can do no less than to make it secure.' The decision was made retroactive.

"Justices Harlan, Stewart, White and Clark, to be sure, dissented at the top of their lungs at the freeing of 'a vicious and ruthless criminal.' A week later Joe came to Washington and shot all four of them. It was indeed a landmark case."

SENATE JOINT RESOLUTION 162—THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. TOWER. Mr. President, Senate Joint Resolution 162, a joint resolution to establish the American Revolution Bicentennial Commission, is indeed a worthwhile measure.

I endorse very heartily the proposal as submitted from the committee, and as passed here yesterday.

A decade from now we will be celebrating the singularly most important event in the history of our great Nation: the American Revolution. No stretch of the imagination is called for to realize, also, that this is probably the most important single political happening in the history of mankind. The events of 1776, and the history and the times surrounding this fateful year and associated with our Nation's struggle for freedom, constitute a high water mark of enlightened political thought and action.

The American Revolution was the realization in action of the intellectual revolution begun at the time of the renaissance. Its slogan and cry was sounded on March 20, 1775, at Richmond, Va.: "Give me liberty or give me death."

Liberty, personal freedom, was the watchword of the American Revolution. Its aims were consistent. There would be other revolutions later in the history of mankind when the aims would not be so pure, nor so consistent. And the cry would be "freedom, bread and jobs." But for the people of colonial America the aim was freedom to achieve in their own sturdy way. It was the intellectual high water mark of mankind.

One-hundred and ninety years ago this month, on June 7, 1776, Richard Henry Lee of Virginia rose in the Continental Congress and introduced a resolution for independence. His remarks were seconded by John Adams, of Massachusetts. And 3 days later on June 10, 1776, the Continental Congress appointed a committee to prepare a declaration of independence, in preparation for a final vote on July 2.

Mr. President, I believe that we are in a good position to utilize this occasion, so important to us, to explain the meaning of the American Revolution to the peoples of Communist countries. Much is said about cultural exchanges between the Communist and the free world to promote better understanding between us. The American Revolution, a key event in our development, and of the meaning of the Revolution, is necessary to understanding our great Nation. We must do all we can to promote our own ideals abroad—to do less is to betray the courageous men so responsible for our freedom and for our well-being.

LIBERALS BACKSLIDE ON TAX HIKE

Mr. HARTKE. Mr. President, Sunday's Washington Post carried an interesting column by Hobart Rowen on the shift in the "liberal" economists' predilection toward a tax hike.

A spot check of 22 economists who favored a tax rise in early 1966, indicated that the majority now believe a tax rise would not be in the national interest in mid–1966. I hesitate to make too much of this appraisal; the merits of any tax change, according to most of these economists, depends on a number of factors—the most important of which will be Vietnam expenditures.

Mr. President, I believe as I did in January that a tax increase would be a negative factor to the continued growth and prosperity of this Nation. The various economic indicators which point to a slowing down in the economy—in spite of new Vietnam spending and commitments—substantiate this thesis.

Mr. President, I ask unanimous consent that the Washington Post article be printed in the CONGRESSIONAL RECORD for the benefit of my colleagues. It should be a reminder to all of us to move with prudent judgment and speed with any wholesale attempt to readjust upward the tax role.

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

ECONOMIC IMPACT: LIBERALS CHANGE MINDS ON TAX HIKE

(By Hobart Rowen)

The once solid phalanx of liberal economists who favored a tax increase to check the threat of inflation is showing some noticeable cracks.

There is still a considerable number of "new economists" who favor restraining fiscal action of one kind or another.

But conversations I have had with key members of their group in the past few days convince me that the fervor of their conviction has been diminished. And to the extent that those who favored a tax hike stick to their guns, their conclusions are based more on an intuition that spending for Vietnam will jump ahead in 1967 than on current performance of the economic, or assured projections for the future.

M.I.T. Professor Paul Samuelson told me frankly that he is now "doubtful" that raising taxes would be a wise policy. Back in March, when the Washington Post conducted a poll of economists, Samuelson favored, by mid-1966, higher personal and corporate taxes.

Responding to the Post poll, Leon Keyserling was another who said: "I favor prompt increases in Federal taxes to combat inflation." But on a television program last week, Keyserling said "there are enough signs of weakness in the economy so that a tax increase would be destructive."

The pro-tax vote in the Post poll included 22 out of 32 academic, business and labor economists. My conclusion after a spot (but not complete) check is that the majority today would be against raising taxes.

Samuelson has changed his mind because the economy does not appear to be moving ahead as fast as was expected a few months ago.

For example, well-informed Washington officials predict that the Gross National Product will advance at an annual rate of only $10 to $12 billion in the quarter ending June 30, compared to the $17 billion gain in the first quarter.

Samuelson thinks that since this is likely to be about the pace of the economy for the balance of 1966, tax increase medicine would be too strong. But if Vietnam spending booms ahead next year—which he strongly suspects—then he would be back on the tax increase bandwagon.

Another academic liberal, Yale Professor James Tobin—a member of the Kennedy Council of Economic Advisers—still thinks that raising taxes "would be the prudent thing to do, because almost surely, there will be an increase in Vietnam spending."

But Tobin would now limit restraining action to temporary suspension of the 7 per cent investment credit.

And Tobin doesn't think that the slower rate of GNP growth in the 2nd quarter is sufficient reason to change basic views.

Out in Minneapolis, former Economic Council Chairman Walter W. Heller is keeping close tabs on the situation too. Like other expert economists, he knows he cannot ignore the recent "lull" in the economy.

But he still sees many potential problems down the road. Thus, he doesn't yet depart from his last public analysis, in a San Francisco speech three weeks ago, that we must be prepared to take stronger action if necessary.

In one way or another these and most other economists recognize that the pace of the economy has cooled off to some degree—and to that degree, the assumptions on which they demanded a tax increase have changed.

To that degree also, the economic facts of life have drifted closer to the political desires of the Johnson Administration, which all along has hoped to avoid the messy complications of a pre-election tax increase.

It seems fairly clear that if there had been a tougher fiscal policy at the start of this year, the economy would not be suffering now from a crazy-quilt, unsettling high interest rate pattern.

On the other hand, candor demands one note that the pro-tax increase group misjudged the actual strength of the economy this year. A tax increase might have put a real crimp in the economy. Recession? I doubt it, but that "lull" might have been more painful.

To be sure, there has instead been an inflation of prices, damaging but not crippling. This has been the "trade-off" for keeping unemployment low.

But what of the future? The only thing that is certain is that Vietnam is the key. If Tobin's hunch is right, then 1967 could see a cost-push inflation (wages and prices out of hand) supplementing today's demand-pull inflation (too many dollars chasing too few goods).

Then the debate will start all over again, and economic logic, "new" or "old" will again demand a tax boost.

LIMITATIONS ON POLICE INTERROGATION OF SUSPECTS

Mr. HART. Mr. President, the Supreme Court's recent decision in the Miranda case, defining limitations on police interrogation of a person suspected of a crime, was greeted in some quarters as a further preference for the criminal and a setback to the law abiding in our society.

Basic in our concept of justice is the presumption that a man is innocent until he is proven guilty. This principle obligates the government to prove the case against the accused rather than have the accused prove it against himself.

The procedures for conducting the interrogation which the opinion prescribes are neither new nor revolutionary. The FBI has been following these procedures for some time.

Of course, it is understandable in light of the recent FBI report of a 6-percent increase in the volume of crime during the first 3 months of 1966 over that of the first 3 months of 1965, that commentators and the public would be reluctant to accept what has been described by its critics as another and unwarranted restriction on law enforcement. But the Detroit News of June 15, 1966, in a very objective and concise analysis of this decision and its possible implications, makes clear the soundness of the Miranda decision and the need for public understanding of the issue involved here.

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

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

POLICE, COURTS AND CONSTITUTION: DO NEW RULES SPUR CRIME?

If the Fifth Amendment privilege against self-incrimination is to mean much, the U.S. Supreme Court's new decisions on police interrogation practices were inevitable.

The rules are simple enough: A suspect in custody must be told he has a right to remain silent. He must be warned that anything he says may be used against him. He must be told he has the right to consult an attorney before answering questions. He must be told that an attorney will be provided if he can't afford one. With or without an attorney, he can stop answering questions at any time.

The fundamental concept underlying these rules is hardly revolutionary. On the con-

trary, it is as old as the Bill of Rights. It is the belief that no citizen should be required to convict himself out of his own mouth, not by force, not by trick, not by ignorance of his constitutional rights.

It is a concept born of centuries of experience with injustice prior to this nation's founding. It requires that our system of justice prove the case against the accused, not force him to prove it against himself.

What is new is the determination of the Supreme Court to make it apply, not only in court, where the safeguards may come too late, but in the nation's police stations, where convictions are born and where—until the 1964 landmark Escobedo case—the Bill of Rights was deemed not to reach.

There is no shortage of law enforcement officials across the nation ready to decry these rules, sometimes in grossly exaggerated and inflammatory terms. They claim to be all but put out of business; they profess to see crime running rampant if they cannot do as they please for as long as they please in the station-house.

Without doubt the work of the police would be easier were there no curbs at all on their freedom of action. If they could lock up anyone about whose guilt they were satisfied there would be less crime. For that matter there would be none at all were we all put in jail.

But the price for this greater security would be injustice to some about whom they were wrong. The aim of our system of laws is not convictions, but justice. And so we set up rules which try to insure that no innocent person is deprived of his freedom. The price for this greater degree of justice is a lesser degree of security.

Those who have lived under a police state will testify that the trade is worthwhile.

Nor is it by any means established that adherence to constitutional rules inevitably means crime running riot. Confessions are seductively easy as crime-solvers; where they are too easily obtained, other investigative tools are neglected; where hard to get, extrinsic evidence is more sedulously pursued.

The relative lack of flak in Michigan over Monday's high court decisions is significant. Since Escobedo, most Michigan law enforcement agencies have largely followed these rules. We doubt that Michigan's crime picture is worse than that in states which chose to slight them, and now feel themselves walloped.

Nor should the FBI's experience be ignored: it has long followed such rules, without being "handcuffed." Progressive law enforcement people all over the nation say simply, "This isn't so earthshaking."

It may prove to be earthshaking, though, in a long-range sense. Chief Justice Warren insists that confessions have not been outlawed, but this may be the practical effect of the new rules. And who can predict with confidence that an explicit ban on confessions may not come down in a future case?

Justice Arthur Goldberg spoke profound words in Escobedo, well worth pondering: "If the exercise of constitutional rights will thwart the effectiveness of a system of law enforcement, then there is something very wrong with that system."

But worth pondering, too, are the words Justice John Marshall Harlan quoted in dissent this week: "This court is forever adding new stories to the temples of the constitutional law, and the temples have a way of collapsing when one story too many is added."

It is not beyond possibility that popular discontent with decisions thought to "handcuff the police" or "coddle criminals" could bring about the destruction of parts of our Bill of Rights.

MUST THE POLAR BEAR BECOME EXTINCT?

Mr. GRUENING. Mr. President, on previous occasions my able colleague from Alaska [Mr. BARTLETT] has called to the attention of the Senate and to all interested the problems concerned with the preservation of the polar bear. His work in this important field is outstanding. He has effectively called to public attention the fact that a unique species of value can be depleted before our eyes if we are not vigilant.

In a recent column by Morris Siegel of the Washington Star entitled "Polar Bear Population Down to Mere 8,000," he quoted from statistics supplied to him by the National Rifle Association which estimated that some 8,000 polar bears remain and that about 1,350 of the species are taken annually. I have checked these figures with the appropriate Department of Interior officials and have learned that no one really knows how many polar bears there are nor precisely how many are taken each year. Perhaps as many as 20,000 are living, but that figure cannot be validated.

The census work to determine the number of living polar bears has not been done.

We do not know if polar bears are uniformly distributed.

Experts seem to agree that their number is not increasing, but no one knows why.

There is some evidence that the polar icecap is retreating and that this might be the cause of a polar bear migration.

The Boone and Crockett club and the National Rifle Association are concerned. They no longer offer honors to sportsmen bagging polar bear. Both of the internationally famous sports clubs have taken this stand on their own initiative.

The polar bear is a true international creature. Free and wild, he has the run of the polar cap and can move from Norway to Denmark's Greenland, to Canada, to the United States and to Soviet Siberia as well as European Russia without a passport.

Now what can we do to help protect this animal so that future generations may know him?

In our own country we can learn more about the species. We should initiate long-overdue research with Federal funds to begin a bear census and to trace their migration habits. The cost would not be great, and I have written to Secretary of the Interior Udall for specific information.

These unique and valuable animals are confined to a northern polar region. While obviously not exclusively a resource of the United States, it is appropriate that we assume our share of responsibility for their preservation lest they become extinct. We should explore the need for international agreements such as we have for certain of our other land and water resources. Only last September the first International Conference on the Polar Bear was held in Fairbanks, Alaska. It was called by the United States and those present agreed to pool resources and to meet again. Senator BARTLETT was responsible for the Conference. His interest and publicly expressed concern brought it about.

Mr. President, I ask unanimous consent that the full text of Mr. Siegel's column be printed in the RECORD at this point.

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

POLAR BEAR POPULATION DOWN TO MERE 8,000

(By Morris Siegel)

It's Alaska, not the Chesapeake Bay, which is really the land of pleasant living.

Where else except in that iceberg which was merged into the U.S. several years ago can one hunt polar bear the year around?

This additional bonus which accrues only to taxpaying Alaskans was uncovered by ye old snooper during the course of some instant research on polar bears.

Actually, there was nothing premeditated about my curiosity concerning U. Maritimus, but with the Senators being customarily fouled up, there was little alternative.

Whooping cranes are always being dealt with—not here—at length, so I was seized by an impulse to do something about the polar bear gap.

The National Rifle Association initiated the idea in an announcement that polar bear hunters would go unrewarded this year. No more lapel pins for those who knock off the symbol of Zlotnick the furrier.

Like ready cash, the polar bears are disappearing, so the NRA, which is a kind of polar bear board of trade, is withdrawing its bounty for polar bear hunters.

Tomorrow's polar bear hunter will go unrecognized. Boone and Crockett, a clubby club which keeps tab on all the big game clouted in North America, is henceforth withholding identification of successful polar bear hunters until mamma and papa polar bear produce a population explosion.

Nobody in his right mind would venture to go out and count how many polar bears there are, of course, but the people down at the National Rifle Association estimate there are only 8,000 of the critters left.

"But don't quote me on that figure," one of the cautious NRA's pleaded.

Since nobody is foolish enough to make a nose-by-nose count of the polar bear situation, one wondered how NRA arrived at an estimate of 8,000?

"By sightings," the man at NRA answered. He admitted this system is not foolproof. There is always the possibility the bears no longer cared for wherever it was they gathered and simply decided to move on to an ice pack that swings more.

But the NRA's unofficial census taker seemed inclined to think this would be a rare exception.

Six months ago there was a conference in Alaska, polar bear headquarters for this continent, among conservationists involved in worldwide offshore hunting problems.

Polar bears, or the lack of same, topped the agenda. This was no gathering of odd balls, but representatives of the U.S., Norway, Sweden, Denmark and Russia generally interested in the dwindling polar bear population.

About 1,350 polar bears are taken annually. "Again this is only an estimate, so please don't quote me," the man in charge of polar bear information at NRA asked.

This 1,350 includes polar bears taken live as well as those who have been plunked dead. Who takes a polar bear live?

Russia does. They take the young to study their reproduction rate, dentation and diseases and make other biological studies.

In polar bear circles, this is a big achievement for the Soviets, a sputnik in big game huntery, as it were.

The Russians have found, for example, that counting teeth is not the best way to determine a polar bear's age. It is assumed they count the teeth of dead polar bear only.

"They have found a new way. It's something to do with the growth of their claws," the whiz kid of the NRA's polar bear department said knowingly.

One reason for the gradual disappearance of polar bears might be that polar bear hunting ain't what it used to be.

Today hunters use airplanes, a 20th century contraption the polar bears obviously have been unable to defense successfully.

Here in Washington, in the 3000 block of Connecticut Avenue, there is the largest polar bear concentration south of Philadelphia. Three are domiciled at the Zoo.

"We've had three as far back as 1959," the lady at the Zoo answered, expressing surprise that there was a shortage of polar bears.

Two of the Connecticut Avenue bears are from Alaska, the other from Spitzbergen. The Zoo's polar bear population has been constant for almost seven years.

"But we are hoping to coax them into a blessed event," the lady added cheerfully.

Wonder if the NRA ever thought of that?

Mr. GRUENING. Mr. President, meanwhile the space age and other recent scientific discoveries are coming to the aid of the polar bears. An article by Oscar Godboute in the Wood, Field and Stream column of the New York Times for June 29 discussed the use of satellites to observe the bears and the equipping of bears with radio collars. Jules Verne, the great pioneer of science fiction, is being surpassed in reality. I ask unanimous consent that Godboute's article be printed at this point of my remarks.

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

WOOD, FIELD AND STREAM—SCIENTISTS TO STUDY POLAR BEARS VIA TRANSMITTERS IN ORBITING SATELLITE

(By Oscar Godboute)

In this kind of weather with its beating heat, there are several things one can do to get his mind off the torrid temperature. For example, he can turn to the CONGRESSIONAL RECORD.

Stirring stories are not usually found there, but Vol. 112 No. 101 for June 21, has one of the coolest tales to be found. It's about polar bears on the Arctic ice. The very thought drops the temperature several degrees.

Senator E. L. (BOB) BARTLETT, Democrat of Alaska, inserted a summary of efforts made on behalf of the great bears. Included was a report of the first International Scientific Meeting on the Polar Bear held in Fairbanks, Alaska, last year.

He had reprinted a paper called Capturing and Marking Polar Bears by Vagn Flyger of the National Resources Institute of Maryland.

Flyger set out to shoot bears using a rifle that fired tranquilizing darts so that he could mark the bears with dye and attach ear tags.

In theory, the bears revive, after science has finished, and depart. The last expedition, four months ago, saw Flyger cruising with two planes. He chased 38 bears.

After finding a bear, one plane would land. Then the real job began, for polar bears are not notably hospitable.

Said Flyger: "We discovered that the extreme cold (minus 30 degrees to minus 40 degrees) reduced the maximum range of the gun to 40 yards. This meant that in order to capture a bear we had to get within 40 yards to fire the syringe. This is a little close for comfort."

"Seven bears were actually shot and of these the drug failed to knock down two; four died and one was marked and released.

"While it appears that we were unsuccessful, actually we learned a great deal from these bears. First, we learned that this is very risky work and that the odds are not all in our favor. Several of the bears attacked, but luckily changed their minds at the last moment. One bear was actually shot with a syringe from a distance of 20 yards."

The scientists had backup men carrying powerful rifles using bullets.

"At these close distances the backup man does not always have a clear shot at an attacking bear because of the jumbled ice of the pressure ridge between him and the bear," said Flyger.

The scientists learned that collars should be attached to the neck of the huge animals. There now is a plan to attach 25-pound radio transmitters to the collars. Hopefully, this will be reduced in size by 1969 to four or five pounds. With this, a bear's movements can be precisely tracked.

"We now hope," Flyger said, "to develop a radio telemetry program for polar bears with the help of the National Aeronautics and Space Administration. Hopefully we will be able to fit about 50 bears in 1968 or 1969 with radio-equipped collars.

"These transceivers will send signals to a polar orbiting Nimbus satellite, and for a period of six months we would obtain the location of each of these 50 bears every two hours."

THE CHAPLAINS OF THE CONGRESS OF THE UNITED STATES

Mr. YARBOROUGH. Mr. President, the value of chaplains in the Congress of the United States as well as in the Armed Forces of this country is beyond human estimate.

Their spiritual inspiration and comfort has been—and continues to be—a source of strength for the representatives of the people of this Nation, and those who serve in uniform its cause of freedom.

I think it well to note that since the first Congress in 1789, Chaplains have served in both the House of Representatives and the Senate. There have been 10 different known Christian denominations represented by the Senate Chaplains over those years, including one Chaplain whose religion was not known.

In the House, during the days from 1855–1861, a regular Chaplain was not elected. But during this period a number of different members of the District of Columbia clergy took turns in opening the daily session with a prayer and then preaching Sunday sermons.

Mr. President, I ask unanimous consent to enter into the record the lists of the regularly elected Chaplains of Congress since 1789.

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

Chaplains of the U.S. House of Representatives

Chaplains	Denomination	Date service began [1]
Rev. William Lynn	Presbyterian	Mar. 4, 1789
Rev. Samuel Blair	do	Jan. 4, 1790
Rev. Ashbel Green	do	Nov. 5, 1792
Rev. Thomas Lyell	Methodist	Nov. 17, 1800
Rev. W. Parkinson	Baptist	Dec. 7, 1801
Rev. James Laurie	Presbyterian	Nov. 5, 1804
Rev. R. Elliott	do	Dec. 1, 1806
Rev. O. B. Brown	Baptist	Oct. 26, 1807
Rev. Jesse Lee	Methodist	May 22, 1809
Rev. N. Sneathen	do	Nov. 4, 1811
Rev. Jesse Lee	do	Nov. 2, 1812
Rev. O. B. Brown	Baptist	Sept. 19, 1814
Rev. S. H. Cone	do	Dec. 4, 1815
Rev. B. Allison	do	Dec. 2, 1816
Rev. J. N. Campbell	Presbyterian	Nov. 18, 1820
Rev. Jared Sparks	Unitarian	Dec. 3, 1821
Rev. J. Brackenridge	Presbyterian	Dec. 2, 1822
Rev. H. B. Bascom	Methodist	Dec. 1, 1823
Rev. Reuben Post	Presbyterian	Dec. 6, 1824
Rev. Ralph Gurley	do	Dec. 6, 1830
Rev. Reuben Post	do	Dec. 5, 1831
Rev. William Hammett	Methodist	Dec. 3, 1832
Rev. Thomas H. Stockton	do	Dec. 2, 1833
Rev. Edward D. Smith	Presbyterian	Dec. 1, 1834
Rev. Thomas H. Stockton	Methodist	Dec. 7, 1835
Rev. Oliver C. Comstock	Baptist	Dec. 5, 1836
Rev. Septimus Tustan	Presbyterian	Sept. 4, 1837
Rev. Levi R. Reese	Methodist	Dec. 4, 1837
Rev. Joshua Bates	Congregationalist	Dec. 2, 1839
Rev. T. W. Braxton	Baptist	Dec. 7, 1840
Rev. J. W. French	Episcopalian	May 31, 1841
Rev. John N. Maffit	Methodist	Dec. 6, 1841
Rev. J. S. Tiffany	Episcopalian	Dec. 5, 1842
Rev. J. S. Tinsley	Baptist	Dec. 4, 1843
Rev. William M. Daily	Methodist	Dec. 4, 1844
Rev. William H. Milburn	do	Dec. 1, 1845
Rev. W. S. S. Sprole	Presbyterian	Dec. 7, 1846
Rev. R. R. Gurley	do	Dec. 6, 1847
Rev. L. F. Morgan	Methodist	Dec. 1, 1851
Rev. James Gallagher	Presbyterian	Dec. 6, 1852
Rev. W. H. Milburn	Methodist	Dec. 5, 1853
Rev. T. H. Stockton	do	July 4, 1861
Rev. W. H. Channing	Unitarian	Dec. 7, 1863
Rev. Charles B. Boynton	Congregationalist	Dec. 4, 1865
Rev. J. G. Butler	Presbyterian	Mar. 4, 1869
Rev. S. L. Townsend	Episcopilian	Dec. 6, 1875
Rev. John Poise	Methodist	Oct. 15, 1877
Rev. W. P. Harrison	do	Dec. 3, 1877
Rev. Frederick D. Power	Christian	Dec. 5, 1881
Rev. John S. Lindsay	Episcopalian	Dec. 3, 1883
Rev. W. H. Milburn	Methodist	Dec. 7, 1885
Rev. Samuel W. Haddaway	do	Aug. 7, 1893
Rev. Edward B. Bagby	Christian	Dec. 4, 1893
Rev. Henry N. Couden	Universalist	Dec. 2, 1895
Rev. James Shera Montgomery	Methodist	Apr. 11, 1921
Rev. Bernard Braskamp	Presbyterian	Jan. 3, 1950

[1] Date of beginning of session of Congress in which each Chaplain first served. Not necessarily the date of his appointment.

NOTE.—From 1855 until 1861 the House of Representatives did not elect regular chaplains. Instead, the different members of the District of Columbia clergy took turns in opening each daily session with a prayer and in preaching on Sundays. The 37th Cong., meeting in 1861, returned to former practice of choosing a chaplain.

THE METHOD OF DISPENSING FEDERAL AID TO EDUCATION

Mr. TOWER. Mr. President, the Board of Education of the Dallas Independent School District, in Texas, has passed a resolution concerning the method of dispensing Federal aid to education. In my opinion, this resolution contains many excellent points, and I ask unanimous consent that it be printed at this point in the RECORD.

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

RESOLUTION

During the last two and one-half years the Federal Government has instituted many financial programs for education. There has been no uniformity in method of distributing the funds or in establishing criteria for the instituting of such programs. Numerous federal offices, in addition to the United States Office of Education, administer the funds. In each instance, categorical purposes are spelled out in the language of the statute and, in most instances, are further restricted as to purpose and operation through the particular office or agency in Washington that administers the distribution of the funds. Consequently, the local school districts are circumscribed in their use of available federal funds, making it impossible for the local Board of Education and School Administration always to establish programs in keeping with their conception of community needs: Therefore, be it

Resolved by the Board of Education of the Dallas Independent School District, That the Congress of the United States be petitioned to replace categorical aid to education by general aid, all of which would be administered through the State Education Agency. These funds should emanate from Washington through the United States Office of Education; be it further

Resolved, That the present high state of public education in the United States has resulted from the grass roots' interest in and inventions for education in the local communities, and that it is imperative for such programming of public education to continue if the public schools are to maintain and improve their high level of efficiency, and retain the support of their communities; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, to the United States Senators from Texas, and to the Members of Congress from Texas.

Adopted and approved this 22nd day of June, 1966.

Attest:

LEE A. MCSHAN, Jr.,
President, Board of Education, Dallas Independent School District.
H. D. PEARSON,
Secretary, Board of Education, Dallas Independent School District.

THE LAW AND THE LAWLESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD letters to the editor appearing in the Washington Star of June 19. The letters deal with the recent Supreme Court decision on the questioning of criminal suspects.

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

THE LAW AND THE LAWLESS

SIR: Perhaps the Supreme Court's rule on questioning of criminal suspects will prove to be a blessing in disguise, because it will speed the day when the government—executive, legislative and judiciary—must reexamine its behavior during the last few years and arrive at some workable means of controlling crime. The entire range of cause and effect will have to be studied, analyzed and debated; from prayer in schools to handling of suspects.

The same newspaper announcing the court's decision carried an article captioned "Crime Up 13 Percent, Solutions Lag."

Justice White, in dissenting, voiced the feeling of Americans that "the most basic function of any government is to provide protection for the security of the individual and of his property." The ruling will lessen the effectiveness of police in enforcing law and preserving order.

Law enforcement, necessity for increased respect of police authority, quick disposition of cases and effective punishment of violators will demand exhaustive study and proper remedial action. Questions are forthcoming and answers must be given.

ESTES BRAND.

SIR: Your editorial "Green Light for Criminals" offers persuasive points against the Supreme Court decree stipulating that a lawyer chosen by a suspect must be present and allowed to participate during an examination.

Rather like the swinging of a pendulum, excesses of one sort tend to encourage excesses of quite the opposite kind. Confessions achieved by illegal means—prolonged interrogation accompanied by unwarranted physical discomfort and attendant overfatigue—have now yielded that which long was feared. Our law-enforcement units having abused their prerogatives now face the prospect of having their hands virtually tied.

Whether the new ruling will result in complete paralysis of organized efforts at controlling crime, time alone will reveal. The test of any measure, in the long run, is whether it can be made to operate with a reasonable degree of effectiveness.

THOMAS G. MORGANSEN.
JACKSON HEIGHTS, N.Y.

SIR: Do those five big, black-robed men, sitting in theoretical Olympian splendor on Capitol Hill, who handed down the latest decision to make the streets safer for thugs, muggers and rapists, ever answer questions put to them by reporters?

I should like to see a reporter ask one of them how he would feel if his home were broken into by a Halloween-masked brute of a man, he were tied down and made to watch while his women-folk were violated, and then pistol whipped if he so much as whimpered a protest. Then, if the police captured a suspect, how polite would he wish the policeman to be to that suspect? Would he like the man let free because he couldn't be asked questions which would trip him into a confession?

Another question to be asked another of them: Suppose a daughter of his were a widow trying to support small children and her job kept her out in the middle of the night and the only transportation she could afford was infrequent bus service. Suppose, while waiting for a bus, she was forced into a car at gunpoint and given a wild ride and raped and beaten and left at the side of the road. How would Mr. Justice like a suspect to that crime treated—remember that it is his own daughter who was so treated, not someone who is just a faceless woman in the paper?

Of course, this is never going to happen to the justice's women-folk because the taxpayers pay them enough to hire chauffeur-driven limousines for any evening affairs they wish to go to. They repay us poorly when they make it impossible for our police officers to protect us on our streets and in our homes.

JANET M. JAMES.

SIR: Regarding the Supreme Court decision in interrogation: (1) A person guilty of a crime has no right to escape punishment for that crime. (2) An innocent person has nothing to worry about when being questioned by police.

JOHN P. MOLINEAUX.

SIR: Concerning the latest ruling of the Supreme Court on police interrogation procedure, I admonish those assenting justices with the words of the 9th Amendment to the Constitution: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

When will our supreme judiciary interpret for the rights of the victimized, as well as the rights of the accused, thus giving full credence to Chief Justice Warren's contention that in all constitutional interpretations, the court's decisions must be fair?

W. H. LOREN.

SIR: The Supreme Court has again demonstrated that it is unwilling to limit itself to the judicial function of deciding the cases before it on the basis of the Constitution and statutes as written by the people and Congress. It insists on usurping the power to make national policy. It does not hesitate to rewrite the Constitution and laws to suit the current social, economic and political philosophy of a majority of its members.

If the court is determined to be a policy-making body, its members should be elected in the same manner as other policy-makers are. They should not be appointed for life to create a judicial oligarchy. They should be elected by popular vote and should return to the people at regular intervals to be re-elected or repudiated on the basis of the records they have made.

It is one of the first principles of a democracy that its policy-makers should be responsible to the people. Freedom of the policy-makers from responsibility to the public is a symbol of dictatorship; not of democracy.

EX-PROFESSOR OF PUBLIC LAW.

SIR: How gratifying that The Star realizes the damage which the liberal element in our Supreme Court is doing to our Constitution and the law enforcement agencies. Its recent decision denies the welfare and happiness of the law-abiding citizen and gives aid and comfort to the criminal.

PAUL CHIERA.

SIR: Your editorial "Green Light for Criminals" was very interesting. Thank God that at least one important paper will lay the facts on the line and call a spade a spade as to the decision of the Supreme Court on law enforcement.

GEORGE J. BURGER.

ANOTHER BLOCK TO WORLD MONETARY REFORM

Mr. HARTKE. Mr. President, I am vitally concerned about press reports that the world's 10 leading financial powers again have failed to agree on a course of action to remake the world's monetary system. The Group of Ten includes the United States, Britain, Canada, Japan, Sweden, France, Germany, Italy, Belgium, and the Netherlands. Switzerland, while not a member, participates as an observer.

On June 24, after 3 prolonged days of meetings, the representatives could not even agree to the wording of the normal summary issued after a conference of this type. Differences in ways of approach to creating some new form of international monetary reserve made a joint communique impossible.

Mr. President, these discussions have been drawn out long enough. We need to act with dispatch to correct a problem which is becoming more acute with every passing year. The dangers to world prosperity continue as long as uncontrolled variables determine international money supply. We must make some headway in managing the world's money supply; it is no more sancrosanct than domestic money and credit which nations have managed for a long time.

There has been no reform in the international monetary system since 1930. By fortuitous circumstance, but through no planned effort, the system functioned in the post-World War II years. Total world money reserves grew at about $2 billion a year. Nations added to their reserves while trade grew at a fantastic pace.

Today the growth in world reserves is almost nil, and in 1965, world money reserves grew very little. Sources of growth are not as promising as in earlier years. A new international money to add to a nation's reserve is needed to complement the existing reserve base.

In the past a major source of reserve growth has been the chronic deficit in the U.S. balance of payments. Much of the deficit ends up as another nation's reserve. Dollars remain a key source of reserve, since they can be redeemed for gold at any time.

Recently this is exactly what has happened. Nations have redeemed their dollars to the tune of about $8 billion in the last 8 years, reducing our gold stock to $13.8 billion. Action must be taken to correct this outflow before the value of the dollar as a reserve currency is destroyed.

Allegedly, it is on the basis of the U.S. balance-of-payments difficulty that the current deadlock of the 10 powers hinges. The prospect of an even larger deficit in the U.S. balance of payments this year is a principal cause for concern of the other 9 members of the group.

In spite of this deadlock, I urge that we must move ahead in the field of international monetary reform. I recommend that any change in the structure of reserve components and any new base can and should be incorporated in the International Monetary Fund. It provides the framework for effective and efficient modification of the reserve system without any undue hardship.

Moreover, I think the United States must take the lead and, therefore, I recommend it call a high level forum to accelerate the IMF reform. World financial authorities would meet and discuss approaches for reform. It is my hope that such a meeting would produce concrete suggestions which the United States and others should implement.

Mr. President, let us not allow this much needed change to be stymied by the obdurate and obstinate policies of others.

FISH PROTEIN CONCENTRATE

Mr. PELL. Mr. President, because of a longstanding commitment, I was not present in the Senate on Monday, June 27, when favorable action was taken on S. 2720 authorizing a demonstration program for producing fish protein concentrate. I was speaking that day at the Law of the Sea Conference at the University of Rhode Island. However, I was in favor of this legislation and, in fact, had myself recorded against an amendment which would have reduced the scope of S. 2720.

Mr. President, I have been deeply involved in the fish protein concentrate subject since I was elected to the Senate. I remember conversing with Mr. Ezra Levin of Monticello, Ill., about whom Senator DOUGLAS spoke on the floor Monday. Mr. Levin, a brilliant and articulate gentleman, is one of the original developers of a sanitary process by which fish protein concentrate could be produced from raw fish. I recall my attempts in 1961 with my other colleagues to try to get the Food and Drug Administration to change their position in regard to the fish protein concentrate controversy.

I spoke on the Senate floor on this matter on September 25, 1961, and at that time inserted into the RECORD statements of Senator Smith, of Masachusetts, and Dr. E. R. Pariser of the Bureau of Commercial Fisheries in regard to fish protein concentrate.

Again, on May 24, 1962, I spoke here in the Senate in regard to the fish protein concentrate controversy. I should like to ask unanimous consent at this time to insert in the RECORD comments by food scientists and others in various parts of the world in support of fish protein concentrate, including an article by Dr. Wilbert McLeod Chapman entitled "Ploughing the Watery Deep for Proteins."

Mr. President, during 1964 and 1965, Congress appropriated several million dollars for the development of a sample fish protein concentrate product in a small scale model plant capable of producing 100 pounds daily. This work has been performed by the Bureau of Commercial Fisheries and has resulted in producing a product acceptable to the Food and Drug Administration.

After introduction of Senator BARTLETT's bill S. 2720, I asked members of my staff to explore the possibility of locating an experimental and demonstration fish protein concentrate plant in Rhode Island with officials of the Bureau of Commercial Fisheries. After an informal discussion, they determined that it was not only possible but desirable. I then wrote to Dean John A. Knauss of the Graduate School of Oceanography at the University of Rhode Island in December of 1965 and proposed this to him and suggested that a meeting be held at the University of Rhode Island in order to stimulate this proposal.

In January of 1966, this meeting was held, at which representatives of the University of Rhode Island College of Agriculture, the Point Judith Fishermen's Cooperative, Inc., the University of Rhode Island Graduate School of Oceanography, and of the Bureau of Commercial Fisheries participated along with myself. As an outgrowth of this meeting, a brief prospectus concerning reasons why the fish protein concentrate plant should be established at Point Judith, R.I., was prepared. Mr. President, I would like to ask unanimous consent at this time to insert this prospectus into the RECORD.

Finally, Mr. President, I hope that the Secretary of the Interior will give very serious consideration to these cogent reasons for locating a fish protein concentrate plant at Point Judith, R.I.

I congratulate Senator BARTLETT on securing passage of this very vital legislation. I do hope that it will receive favorable action in the House and will be enacted into law soon.

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

COMMENTS BY FOOD SCIENTISTS AND OTHERS IN VARIOUS PARTS OF THE WORLD IN SUPPORT OF WHOLE FISH FLOUR

Dr. Federico Gomez, an eminent Mexican pediatrician made the following statement concerning the efficacy of fish flour:

"It may be advanced on a basis of medical, biological, and social evidence that after 10–15 years of supplementing the daily Mexican diet of corn, beans and hot pepper with 30–40 grams of animal protein in the form of fish flour, the people will change physically, mentally and emotionally."

Mr. William J. Green, Acting Commissioner, Joint Commission on Rural Reconstruction, Taipei, Taiwan:

"The regular diet of the orphanage was adequate. Yet the children (2 to 3 years) getting the fish flour supplement gained 40 percent in weight during the 60 days compared to the control group. All the infants like the fish flour. They prefer it above nonfat milk powder as one of the ingredients in their customary soup."

In Vietnam, Dr. William H. Boynton, Chief, Public Health Division:

"Our doctors found that they get good results with fish flour in benign cases of hypoproteinemia."

Dr. Roy M. Harris, Chief, Public Health Service Division, Djakarta, Indonesia:

"The fish flour has been tested with selected cases of kwashiorkor in order to determine taste acceptability, and whether it appeared to be well tolerated, with what vehicle it should be mixed, and how these cases responded in comparison with other standard procedures now being used. The flour passed all tests with flying colors. It was well accepted and tolerated by the several children treated, response was excellent; as good or better than previous treatment, which mostly consisted of fortified milk products. The deodorized and natural fish flours were equally useful. Preliminary tests indicates that fish flour is a very effective agent in the hospital therapy of severe protein malnutrition. There have been no major problems in the area of toleration of this high protein product or in difficulty in making suitable mixtures with water, milk, or other readily available liquids for ease of feeding to the children involved."

D. W. Harrison, M.D., Korle Bu Hospital, Accra, Ghana:

"Please send us as much fish flour as you possibly can. Eventually we will pay for it. The measles cases on fish flour have been recovering very rapidly without any complications. Measles is very dangerous and common here."

George G. Graham, M.D., Lima, Peru reported at the International Conference on Fish in Nutrition:

"For practical field use on a large scale, wheat flour enriched with 5 percent fish flour will be quite adequate to overcome malnutrition. The high biologic value of the fish flour makes it possible to give it in relatively small amounts."

Dr. Aldo Muggia, Quito, Ecuador:

"The product is stable in our climate, the fish flour is received with liking by the children both in the milk and in other foods, its tolerance is very good, no allergic nor toxic manifestations were observed. Consequently, I consider that the fish flour is a product which has splendid qualities of use for children with lack of protein nourishment and it may be widely used due to the above properties and its low price."

Dr. William A. McQuary, Servicio Cooperativo Interamericano de Salud Publica, La Paz, Bolivia:

"Because there was no opportunity for carrying out a controlled experiment, the 100 pounds was distributed to 100 persons in the form of 1-pound bags. The acceptability was excellent. It was used in spaghetti sauce, pea soup, meatballs, and even puddings."

Joseph S. Somer, M.D. Universidad de El Savador, San Salvador has carried out nutritional research studies for several years. A summary from a paper he has published follows:

"Inexpensive, high quality, stable, and deodorized fish flour, derived from whole fish, was evaluated as a nutritional supplement in the treatment and prevention of protein malnutrition with human subjects in El Salvador.

"Results from four different studies showed the daily supplementation with 30 grams of fish flour markedly increased the rate of weight and height gains in preschool children exhibiting various degrees of malnutrition. The fish flour tended to increase the resistance of the subjects against illnesses and intercurrent infections. The fish flour, mixed with other foods, was well accepted in all cases.

"Fish flour supplementation was shown to have a significant value in the treatment of children suffering from kwashiorkor and marasmus, by accelerating the rate of recovery under hospital confinement.

"The positive growth response due to fish flour supplementation was observed in studies conducted in two nurseries, with children from families of good and poor economic levels. The most striking improvement produced by fish flour was made in the field study conducted in a slum area. The beneficial effects of fish flour was consistently demonstrated as compared to 'control' dietary regimes, varying in their nutritional properties from deficient to apparently adequate diets.

"Fish flour supplementation presents a very practical solution to the problem of protein malnutrition in tropical and subtropical areas."

Lutheran World Relief, Inc., New York, N.Y., stated that one hundred pounds of fish flour was sent to each of four areas—Taiwan, Korea, India, and Jordan. Mr. Carl E. Hult in Korea reported:

"We found the fish flour makes a valuable addition to soups and other Korean dishes which are either boiled or steamed."

Dr. George Farah, Jordan:

"Used fish flour in the children's ward in the Augusta Victoria Hospital:

"Pediatricians state that the children like the commodity and accepted it willingly. We shall look forward to receiving more of this commodity if and when you can obtain it."

Dr. Eugene Stransky, Philippine General Hospital, Manila, has this summary in a published article:

"Fish flour is a cheap and concentrated source of protein of biologic value. It is much cheaper and more concentrated than any milk powder, soybean powder, or any other vegetable protein. In protein deficiency, we can, as observed in the serum protein determinations and with charts, improve the deficiency radically."

Dr. E. R. Pariser, Research Chemist, Bureau of Commercial Fisheries Technological Laboratory, College Park, Md.:

"Fish protein concentrate represents the beginning of an entirely new fishing industry; it will develop as explosively as the growth of world population; it will rank foremost in importance with but a few other industries, capable of producing a cheap, high-quality food, available to everyone, everywhere. We feel so confident about this trend that we consider it to be our duty to make a most vigorous effort for the United States to be in the vanguard of this advance."

Paul G. Hoffman, Managing Director, Special Fund, United Nations:

"While in Peru quite recently I inquired as to the status of the fishmeal experiments. Reports I received were most encouraging. On the basis of these reports, I am perfectly willing to write to the Food and Drug Administration, advising them of my personal interest in the production of low-cost, high-quality protein."

H. M. Scott, Professor, Animal Science, University of Illinois:

"If the idea of consuming whole fish flour disturbs the esthetic sense of some people this by itself should not deny others the right to use this material if they choose to do so. There is ample experimental evidence to indicate . . . that whole fish flour is superior to the pattern of any single fraction of the fish. . . . The issue should be resolved on a nutritional basis."

Margaret A. Ohlson, Director, Department of Nutrition, State University of Iowa:

"I can visualize many uses for the product * * * including use in our society in the event of a major disaster which would limit our normal food supplies."

Dr. H. E. Schendel, Research Associate in Nutrition, University of Illinois:

"The availability of fish flour for enrichment of dietary protein now requires the immediate attention of statesmen. The persistence of protein malnutrition in the years to come will be a judgment which the shoulders of statesmen, rather than nutritionists, will have to bear. * * * The evaluation of a product so vital to the survival of millions over the world should be made on the basis, not of esthetic objections, but of more objective criterion; i.e., nutritional value."

Agnes Fay Morgan, Department of Nutrition, University of California:

"If the only objection is an esthetic one, let this be plainly stated and let the prospective beneficiaries make their own decisions, both here and abroad."

Harry G. Day, Chairman, Department of Chemistry, Indiana University:

"Fish flour can be of great value in meeting the nutritional needs of people in all parts of the world, including the United States. There is a great difference between fish flour and foods that are contaminated with filth."

R. Adams Dutcher, Professor Emeritus, Pennsylvania State University and Fellow, American Institute of Nutrition:

"Protein deficiency is the most important nutritional problem facing the world today. * * * It is my considered opinion that so-called fish flour most nearly meets all the most desirable specifications for a protein-rich food concentrate."

Lucien A. Bavatta, Professor of Nutrition, University of Southern California:

"This is a high-quality protein which has been shown repeatedly to greatly augment the biological value of the more abundant but less nutritionally balanced plant proteins."

J. A. Anderson, Ph.D., Professor, Utah State University:

"Fish protein should be one of the most effective proteins available to supplement man's diet."

Johnson-Metta-Schendel study, "The Nutritive Value of Fish Flour", University of Illinois:

"An odorless, defatted fish flour evaluated for its protein quality by the Mitchell method, was found to have a biological value of 88 percent. At the 10 percent protein level in diet, its protein efficiency ratio (gram per gram protein consumed) was 3.24 as compared to 2.85 for skim milk and 3.15 for beef. . . . When fed as the sole source of protein, fish flour proved as adequate as casein for the reproduction and general performance of rats through four generations. . . . All our data support the view that a good fish flour could be of real significance in helping to supply the protein needs of the world."

FAO International Conference on Fish in Nutrition, 1961. Washington, D.C., report of the U.S. delegation:

"The papers presented at the Conference . . . indicate that a 'fish flour' can be prepared so that it will retain high nutritional values, as shown in both annual and human experiments. . . . The U.S. delegation introduced a recommendation that FAO should develop minimum standards for fish flour . . . and adopt measures to encourage the production and consumption."

Anthony A. Albanese, Ph.D., Director, Nutrition and Metabolic Research Division, Burke Foundation Rehabilitation Center, New York:

"Some of the tolerances which the FDA will accept in foods serves to emphasize their complete lack of understanding with regard to 'fish flour'. I wonder how many of our citizens realize that cow manure is a permitted tolerance in milk. . . . Actually, the preparation of fish flour is a far cleaner process than is the preparation of gelatin from carcass residues of farm animals."

Dr. Frederick J. Stare, Chairman, Department of Nutrition, Harvard University:

"On the protein score, you cannot improve on or surpass the quality of fish protein. . . . Fish should be included in the diet at least four times per week."

Thomas H. Jukes, Director of Biochemistry, Agricultural Division, American Cyanamid Co., and visiting senior research biochemist, Princeton University:

"While I was on the faculty of the University of California, my colleagues and I were asked to carry out nutritional studies with sardine meal. I have not studied fish flour, but I have studied fish meal, especially sardine meal, which is made by cooking whole sardines, removing the oil, and drying and grinding the entire heads and bodies of the fish. Our nutritional experiments were carried out by feeding animals. We found consistently and repeatedly that sardine meal and other fishmeals were outstandingly nutritious; superior to all other protein concentrates of this general type such as meat

scrap, and that fish meals supplied other valuable nutrients in addition to protein. Fish flour is at least as good as fish meal in my opinion.

"In one experiment, we fed a diet high in fish meal to young turkeys to see if it would make the turkey meat taste fishy. The birds developed so rapidly that they started laying eggs in December, although we did not expect this until the following spring. In other experiments, we found that fish meal contained a vitamin that was not present in any food of vegetable origin. This nutrient turned out to be vitamin B12. Many other examples of the high nutritional value of fishmeal and fish flour can be documented from the scientific literature."

Dr. Hugh Leavell, School of Public Health, Harvard University, Cambridge, Massachusetts:

"I happen to have just come back from a trip to . . . the developing countries of the world, where nutrition is such a serious problem and I have seen these children in hospitals and in the villages, the children with kwashiorkor, the children whose resistance has been lowered. Measles, for example, in our country is not a serious thing. It is almost a fatal disease in West Africa because of the malnutrition which these children have that has reduced their resistance to such a degree. They live on rice and different kinds of carbohydrates . . . . The importance of adding this protein supplement to the diet has been admirably demonstrated by people who understand the bio-chemical aspects."

Dr. A. E. Harper, Professor in Nutrition, Dr. S. A. Miller, Assistant Professor in Nutrition, and Dr. G. N. Wogan, Assistant Professor in Food Toxicology, Massachusetts Institute of Technology, Cambridge, Massachusetts:

"There is little doubt that protein malnutrition represents one of the major health problems in the world today. With a geometrically expanding population, current sources of good quality protein will have to be distributed among more and more people. It is therefore apparent that new sources of good quality protein are essential. Fish protein represents a potential source which hitherto has been largely unexploited. Modern methods of technology have made possible the production of fish protein supplements. In addition, there is, in our opinion, adequate evidence, derived from properly controlled studies, to support the contention that many fish protein supplements are of high nutritional quality and could play an important role in alleviating human protein malnutrition.

"However, the use of processed fish protein supplements for human feeding programs must be governed by several considerations. In addition to the maintenance of high nutritional quality, it is important that these products be free from any toxic substance derived from the fish itself or from the process; that cost of production be kept as low as possible; that no significant deleterious changes in flavor occur as a result of the process."

PLOUGHING THE WATERY DEEP FOR PROTEINS

(By Dr. Wilbert McLeod Chapman, director, Division of Resources, Van Camp Sea Food Co.)

The fishing industry is a series of paradoxes. Possessing the capacity to relieve the worst nutritional problem of man on a worldwide basis, its most rapidly growing sector produces nutritionally balanced food for chickens. Carried in the public eye as a weathered old man in slickers rowing a dory to catch his fish by hook and line, the modern efficient tuna fisherman in the United States actually spends a million dollars for a new boat, and in other countries an investment of twice or three times that for a large freezer-trawler is not exceptional. In the United States the fishing industry has long been considered a depressed sector of business; on a worldwide basis catches are doubling at intervals of a little better than every ten years. Ocean research is only now beginning the basic revolution of a business that is as old as man.

The food shortage of the world is not in calories. More carbohydrates than the present world population needs can be grown rather easily. The important world food shortage is in protein, and the most important aspect of this is animal protein. The reason for this is that animal proteins have the balance of amino-acids required for full human nutritional needs, whereas most vegetable seeds (grains, beans, etc.) do not. As the wag said, the reason why fish protein is better for folks than bean protein is that a man is built more like a fish than a bean. On average, 20 per cent of a fish's weight is animal protein, well-balanced for human nutritional needs. This applies to all fish, whether tasty tuna or lowly anchovy.

There are considerable sections of heavily populated land in the world where human protein malnutrition problems are extremely severe and where raising animal protein on land sufficient for human need is impractical. In West and Central Africa, for instance, endemic livestock diseases are a severe problem. In Southeast Asia, as another case, arable land is needed for rice and other plant foods and cannot be spared for raising livestock. In large areas of the world the cost of raising meat is just too high for poor folks to be able to afford it.

Ocean research has now shown us that the ocean is *naturally* producing animal protein in sizes and forms practical for capture and use by man at a rate more rapid than required to feed a human population ten times the size that now inhabits the world. The trouble is that the great bulk of this dies a natural death and decays back into the vast web of life in the ocean, unused by man. The trick is to get this natural production out of the ocean to consumers who need it, in a form they will accept, at a price they can pay.

THE NUTRITION GAP

In reaction to the enormous world demand for animal protein, the world fish catch has been increasing much more rapidly than has the world population. In 1850, it was about two million tons; in 1950, 20.2 million tons; in 1960, 38.2 million tons; in 1962, 44.7 million tons; and in 1964 (the latest year for which the UN's Food and Agricultural Organization figures are available), 51.6 million tons. Recent careful studies show conclusively that the sustainable world fish catch can rise to 200-250 million tons on the basis of the kinds of resources now used and the technologies presently available. By harvesting types of fish not now used, but fully as nutritious, even that harvest can be greatly increased. In a world where at least 500 million people suffer critical protein deficiency, in which twice again that many do not have enough protein to meet minimal health needs, and in which protein malnutrition is the greatest killer of children, these statements are significant.

One of the prime paradoxes in all of this is that the great recent increases in fish consumption have not been in the developing countries where the need is great, but in the industrialized countries where protein in many forms is adequately, or abundantly, available. As people become more prosperous they eat more protein and less carbohydrates. This is as true in Eastern Europe as in Western Europe, North America or Japan. A case in point is Russia which has become the third largest fish producer in the world and operates on a worldwide basis. Her fish catch in 1946 was 1.4 million tons and in 1965, 5.6 million tons. It is scheduled to reach 10 million tons in 1970. Poland, Rumania and Bulgaria are also now rapidly becoming high-seas fishing countries.

A second paradox is that a great part of the increase in fish production in the world has not gone to the direct feeding of humans, but has, instead, come to humans indirectly through chicken. A few per cent of fishmeal in chicken diets produces such marked improvements in growth, health, egg-production and efficiency in use of other feed that this practice has revolutionized poultry production in the last generation. If the world's human population were as scientifically nourished as the chickens in a modern egg factory the world would be a different place in which to live. World production of fishmeals and solubles, mostly used for livestock feeding, increased from about 590 thousand tons in 1948 to 3,500,000 tons in 1964. In terms of round weight fish, the latter figure represented about 40 per cent of total world fish production in that year—a sizable proportion.

A third pardox is that great increases in fish production have occurred in the developing world. Peru and Chile are prime examples of this. These two countries were scarcely classed as fishing countries in 1950. Yet in 1964 they produced nearly 20 per cent of the total world fish catch, and Peru was the largest fish-producing country in the world. Ghana, Ivory Coast, Mexico, Ecuador, Panama and other countries in the developing world have also been rapidly increasing their fish catches. On the other hand, in the United States, the epitome of an industrialized country, fish catches have held approximately constant for thirty years.

Great efforts are afoot to erase some of these paradoxes. The Special Fund of the United States is, through the Food and Agriculture Organization of the United Nations, vastly increasing the effort to develop fisheries through projects paid for on a matching fund basis by the recipient country. FAO, to meet this challenge, has just completely reorganized its fishery function, raising it from divisional to departmental status in the organization, and is planning to double its size over the next six years. The International Oceanographic Commission of UNESCO is furthering broad-scale ocean exploration on a worldwide basis, such as the International Indian Ocean Expedition, the International Cooperative Investigations of the Tropical Atlantic, and the Cooperative Survey of the Kuroshio. The World Bank is now studying plans to aid with capital the establishment of fisheries in the developing world. The effect of these activities is already great and will increase sharply as projects now being initiated take hold.

The great dream of nutritionists for the past fifteen years has been to create a cheap, stable, dehydrated and de-fatted fish protein concentrate. This would have great virtue for the relief of protein malnutrition in the world. Since all fish have approximately the same protein composition, such a concentrate made from anchovy, hake, deep-sea smelts, and many other kinds of very abundant and quite cheap fishes (not much used now for direct human consumption because of processing or other cost problems) would be just as useful as would be a concentrate made from very expensive fish such as salmon or sole. It could be stored and transported easily and cheaply. As an additive to cereal products, only a few per cent would produce a food well-balanced for human nutritional need. It would mix well with flour in tortillas, gruels, breads, pastas, etc.

FISHMEAL FOR HUMANS

Fish protein concentrate essentially is fishmeal for humans. Since fishmeal is made on such a large scale, so successfully in so many parts of the world, and fills precisely this nutritional need for livestock, one would think that the transition to a fish protein concentrate for human consumption would be an easy technological trick. This has not been the case.

A problem is the oils of fish. Unlike those of land animals, they are polyunsaturated. This means, practically, that they take up oxygen readily and when they do they become rancid. Rancid fish oils not only smell bad but can be unhealthy for humans to eat. They do not bother chickens and a small per cent of residual oil in fishmeal even has some nutritional benefits for chickens. For human use, almost all of the oil must be removed or shielded with anti-oxidants. Both remedies have presented technical problems.

Another difficulty is hygiene. Chickens are not fussy this way; humans are. It is a practical impossibility to fix up a fishmeal plant of the traditional kind so that it will produce fish protein concentrate to human hygiene standards. A wholly new process had to be developed.

A third difficulty stems from a decision rendered by the Food and Drug Administration a few years ago that fish protein concentrate made from whole fish was "filthy" within the meaning of the food and drug laws and aesthetically repulsive and could not be sold for human consumption in the United States for this reason. This ruling upset activities in this field by the international agencies in the developing world. The health authorities in those countries took the rather rational view that what was not good enough for Americans was not good enough for their peoples either.

Out of the fuss this decision raised has come much good. The Congress provided the U.S. Bureau of Commercial Fisheries with research funds to produce a fish protein concentrate from whole fish suitable for human consumption The Department of the Interior asked the National Academy of Sciences to appoint a committee of competent scientists to watch over the Bureau's research on this subject. After three years of very diligent research one method has been developed to do this and Interior Secretary Stewart L. Udall has asked the FDA to certify the newly developed fish protein concentrate "safe, nutritious, wholesome and fit for human consumption."

Research continues with the aim of developing other methods that also show promise. The Congress now has under consideration legislation to provide pilot plant-scale production of fish protein concentrate from whole fish by the first method developed by the Bureau of Commercial Fisheries. Thus a new process for getting fish protein to those who need it in very cheap form is on the verge of practicality.

While great emphasis is being put on the development of a wholesome fish protein concentrate, work is at an advanced stage on two other new means of processing fish which hold great promise as well. These are the irradiation of fresh fish to extend their shelf-life as fresh fish by stopping temporarily bacterial and enzymatic deterioration, and freeze-drying which yields a product that stores and ships well and can be reconstituted almost to its original freshness by the very simple process of adding water.

Although any one of these three new processing methods will revolutionize the fish business when they become practical realities, other modern scientific and technological advances have already been doing this. The process of canning is under steady improvement, and canned tuna, as well as some other kinds of fish, have become staple foods. Vessels equipped to freeze fish at sea are now the common thing. As a result, sea-fresh fish is now available in the interior of countries far removed from the sea. Even in the jungle interior of West Africa frozen fish is becoming a staple. This is a development of just the last few years.

U.S. CONSUMPTION OUTSTRIPPING CATCH

A prime paradox in all of this has been that the fish catch of the United States has stayed approximately level for the past thirty years. It has varied during that period from 2.0 to 2.7 million tons. The average figure for recent years has been about 2.3 million tons.

This has not been because of lack of demand. The consumption of fish in the United States has been increasing at a rate much more rapid than population increase, just as it has in the rest of the world. In 1948, the consumption of fish in the United States, in terms of round weight, was 2.8 million tons and in 1964 it was 6.0 million tons. Thus the annual per-capita consumption of fish in the United States had increased from 38 to 63 pounds in that period of time. As in the rest of the world, the great consumption increase was in the use of fishmeal for poultry production. But that has been the reason why chickens and eggs have been so abundant, and remained so cheap, in the United States.

The slow development of the domestic fisheries has not been a result of lack of supply. Ocean research off the coast of the United States over the past ten years has revealed very large unused resources. For instance, off Southern California alone there are now known to be under-utilized stocks of anchovy, hake and mackerel large enough to support sustainable new fisheries which could double the total fish catch of the United States in this one area alone. It is a matter of record that foreign fishermen (chiefly Russian and Japanese) have been developing the fisheries off our coast in recent years to the point where they catch more fish off Alaska and New England than our fishermen do. Rough preliminary estimates of the Bureau of Commercial Fisheries suggest that the fishery resources adjacent to the coast of the United States can support sustainable fisheries that would yield 10 to 11 million tons per year.

Thus, there is this paradox, that the United States uses twice as much fish as it catches and has the resources available in its coastal waters to produce nearly twice as much as it uses.

The Congress has moved to stimulate U.S. fishing operations in the last few years, first with the Fishing Vessel Loan Act to give the fishermen access to credit, and more recently with a Vessel Subsidy Act designed to balance the cost of fishing vessels constructed in American shipyards with those constructed abroad. The Loan Act has already had a most beneficial effect and the Vessel Subsidy Act, which is just in the process of being implemented, gives every promise of being equally successful.

Another kind of serious problem faced by the fishing industry has been the discovery that once ocean research had disclosed these large offshore resources a welter of outmoded state laws impeded their harvest. In the American system of government, the regulation of fisheries is handled at the state government level. The great bulk of ocean research, however, has been done at the Federal level over the past ten years. There has been no good mechanism to transmit the new knowledge and understanding of the ocean and its resources from the Federal and academic level to the state administrative and legislative level. The states came to this situation with codes of laws and regulations left over from past generations and unsuited to the use of new knowledge.

This problem is now being tackled in pragmatic and successful ways. The Congress has recently passed legislation designed to permit the states to build up their ocean-resource research capabilities so that they will have the local competence to translate this vast fund of new knowledge and understanding to the increased harvest of the local seas. The states are responding to this approach in a most heartening way.

U.S. INDUSTRY'S FUTURE LOOKS BRIGHTER

The governors of several of the maritime states have come to realize the wealth that lies off their shores and the need to refurbish their means of government to take advantage of it. In California, Washington, Alaska, Hawaii, Florida, and Maryland, the Governors have convened conferences of experts on ocean-resource development and appointed continuing committees to advise them on what should be done. The response on the local level has been gratifying.

Two more general things have also happened. The demand for fish on a worldwide basis is now beginning to catch up with the great surge in fishery development that took place in Europe and Japan directly after the war, so that those countries are increasingly using their own catches instead of sending them to the United Sates to earn dollars. This is relieving pressure on the United States market. Additionally, the enormous surge forward in general interest in ocean matters has been greatly stimulated by the results of large ocean research projects over the past several years. More people and firms have become interested in the ocean and its harvest.

The result of all this appears to be that we are on the edge of a major revival in the domestic fisheries of the United States. The tuna and shrimp fisheries are prosperous and expanding, and are increasingly becoming integrated with overseas ventures so that they draw extensively on world resources. The king crab fishery of Alaska is growing by leaps and bounds and there is sufficient resource available so that it can double again. California has relaxed its regulations to permit 75,000 tons of anchovy to be taken for reduction each year, thus starting a new fishery this fall which may well grow to produce a million tons or more per year. There is great stirring all along the West Coast leading to the development of major hake fisheries in Oregon, Washington and California. The ocean perch resources of the West Coast, so heavily used now by Russia and Japan in the Gulf of Alaska, are beginning to give rise to expanded fishing out of American ports. A similar rejuvenation looks possible in the near future out of New England ports.

In 1965, the gross income of American fishermen was $60 million greater than it was in 1964. It is too early to tell whether this is the start of the steady uptrend that has been worked toward, but it is certainly a step in the right direction.

THE POTENTIAL OF THE POINT JUDITH, R.I., AREA AS A SITE FOR A FISH PROTEIN CONCENTRATE DEMONSTRATION PLANT

(NOTE.—This prospectus was prepared by Dr. James W. Cobble, dean of the University of Rhode Island College of Agriculture; Jacob J. Dykstra, president of the Point Judith (R.I.) Fishermen's Cooperative, Inc.; and Dr. John A. Knauss, dean of the University of Rhode Island Graduate School of Oceanography.)

INTRODUCTION

It is our belief that Point Judith, Rhode Island would be a most desirable site for the operation of a demonstration plant to produce fish protein concentrate. This site has at least four favorable characteristics which would contribute to the success of such a complex operation. These characteristics may not be duplicated anywhere else in the country.

First, the port produces an abundant supply of fish at all times of the year. Secondly, there is a good harbor and adjacent land available for a plant. Thirdly, there is a pool of qualified University of Rhode Island research personnel nearby who are already engaged in solving problems in fisheries and the marine sciences. Finally, and most important we believe, the many fishing and University personnel who would be involved have demonstrated over a period of years the ability to work together. This cooperative relationship has been strengthened in recent years as the University has undertaken new programs in the marine sciences.

THE COOPERATIVE RELATIONSHIP WITH FISHING INTEREST

It would appear that the successful operation of a protein fish concentrate plant would require a high degree of cooperation, not only among the scientists in various disciplines, but also between scientists and fishermen at Point Judith. In the case of Point Judith, it would not be necessary to try and evolve such a relationship. The University and the Point Judith Fishermen's Cooperative have had a long and cordial working relationship, resulting in:

*Joint sponsorship—over the past six years—of a one-day "Fishermen's Forum," designed to provide working fishermen with information about new techniques and developments;

*Establishment of a fishermen's committee, with the University's assistance, to help obtain legislation for creation of a port authority;

*The solution of quality problems in fish processing by University bacteriologists.

In addition, faculty members have served in an advisory capacity to help develop cost and other data for the construction of a new plant. Another professor is writing the project proposal that would allow local fishermen to develop mid-water trawl methods and gear which would be suitable for their vessels.

The previous examples are just a few of the types of projects that are continually underway. If anything, these cooperative activities will intensify in the future. At the moment, for instance, there is serious consideration being given to the establishment of a two-year college-level program for the training of fishermen.

THE POINT JUDITH AREA IS THE CENTER OF A GROWING MARINE COMPLEX

Point Judith is in the center of a growing marine complex that stretches from New London, Connecticut on the west to Woods Hole, Massachusetts on the east. In this 75 mile span are several other fishing ports including Newport, Rhode Island, New Bedford, Massachusetts and Stonington, Connecticut.

A little more than 10 road miles from Pt. Judith is the Narragansett Bay Campus of the University of Rhode Island. In addition to the Narragansett Marine Laboratory, this 88-acre site includes the U.S. Public Health Service's Northeast Shellfish Sanitation Research Center and the R.I. Nuclear Science Center (built around a one-megawatt research reactor). Under construction and expected to be completed by the summer of 1966 is the U.S. Fish and Wildlife Service's sports fishing research laboratory. The U.S. Public Health Service already has budgeted funds for a $1,750,000 National water quality standards laboratory on the campus. Other planned facilities include a library-data processing center which would serve the entire complex and a laboratory-office building for the University. Total budget for the latter two projects is $1,325,000.

Within a few short years, it is expected that over 400 scientists will be working on the Bay Campus—possibly more if additional federal or industry-oriented research laboratories locate there.

THE UNIVERSITY'S INTEREST IN THE MARINE SCIENCES

The University has a graduate School of Oceanography with 16 faculty members enrolling over 50 students in master's and doctoral degree programs.

The University's Narragansett Marine Laboratory has a long history dating back to 1937 when a small laboratory was established at the mouth of Narragansett Bay, primarily to undertake research in biological oceanography. Since that time, the facilities and staff have been considerably expanded so that research and study is also now underway in physical, chemical, and geological oceanography.

Today the University is one of only six in the country that trains scientists in all aspects of oceanography.

Available for educational and research purposes are three University research vessels, including the 180-foot "Trident." These vessels are berthed at the Narragansett Bay Campus which is six miles to the east of the University's major campus in Kingston, Rhode Island. Both campuses are close to major transportation facilities. The New York, New Haven, and Hartford Railroad has a station less than a mile from the Kingston campus. New Interstate Route 95 passes to the west of Kingston, taking travelers south and west to New York and Washington or north to Boston. The T. F. Green (providence) Airport is less than 20 miles away.

In addition, for the past 5½ years the University has had a Marine Resources Program, designed to mobilize a large segment of other University talent for work in this area. With the encouragement of the University's president and other top administrative officers, faculty members have undertaken research in waterfront development, shore stabilization, sand dune control, fishery marketing, the production of pharmaceuticals from marine organisms, fishery populations and management, pollution, and radiactive contamination—to name just a few areas.

In the College of Agriculture, the Department of Food and Resource Economics is devoting a major share of its time and effort to study and research in the economics of fisheries and other marine-oriented activities. Some recent papers and publications by members of this department suggest the scope of their activities: "The New England Fishing Industry: Functional Markets for Finned Food Fish," "The Economics of Quahog Depuration," "A Preliminary Study of Interaction of Two Fish Populations and Their Markets," "The Revenue Implications of Changes in Selected Variables Examined in the Context of a Model of the Haddock Market," "The Economic Impact of Marine Industries," and "The Economics of Small Trawlers."

In the academic year 1964–1965, one of the nation's first advanced degree programs in ocean engineering was initiated at the University. M.S. and Ph.D. degrees are being offered by the Departments of Chemical, Civil, Electrical, Industrial, and Mechanical Engineering in cooperation with the Graduate School of Oceongraphy. This was another step in the expansion of URI's graduate curriculums which now enroll over 1,000 students as compared to 187 students in 1956.

Finally, the University's oceanographic program is part of the cooperative compact of the New England Board of Higher Education (consisting of the state universities of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and R. I.) The University of Rhode Island's graduate program in oceanography is the program for the six New England states and students from any of these states who are admitted to the program pay the same tuition as does a native Rhode Islander.

THE SUPPLY OF FISH AT POINT JUDITH

The supply of industrial fish at Point Judith is large and stable. A substantial part of the catch has been red hake. Some statistics, concerning the Point Judith operation should be noted:

*Point Judith fishermen produced more industrial fish than any other port in three recent years, 1962, 1963, 1964;

*Point Judith produced 51.2 per cent of all New England industrial fish in 1962, 41.2 per cent in 1963, and 51.4 per cent in 1964;

*In only three months of 1964 did Point Judith land less than two million pounds of industrial fish;

*Since September 1965 landings have been greater than 3.3 million pounds each month with a December high of 5 million pounds.

The ceiling on landings has been fixed by plant demand, not by any anticipated limit in the resource.

HARBOR, SHORE SPACE, AND OTHER FACILITIES

Facing south toward Block Island Sound and the open Atlantic, the harbor at Point Judith is protected by a mile-long breakwater that admits vessels to a channel and salt pond. The existing turning basin of the port is to be enlarged and the channels deepened under a Navigation, Beach Erosion, and Hurricane Plan provisionally approved by the U.S. Army Corps of Engineers and local citizens.

Meanwhile, the director of the R.I. Department of Natural Resources has provisionally endorsed making land available to a fish protein concentrate facility. The state owns most of the land in the area around the Point Judith Fishermen's Cooperative.

The Cooperative is currently operating wholesale fish, fish processing, and fishmeal plants, as well as a supply store. Some 150 fishermen, as well as owners, belong to the cooperative which is run by a seven-member board of directors.

There are at present over 40 fishing vessels in the Point Judith fleet, ranging from 35 to 85 feet in length. These vessels are in excellent condition and the men working on them earn substantial salaries. For instance, a recent study disclosed that the average crew share for deck hands was $8,383, while the average earnings for a captain in the Point Judith fleet was close to $12,000.

ADDITIONAL UNIVERSITY CAPABILITIES

The University of Rhode Island is composed of 11 schools and colleges, enrolling over 6,000 full-time and 5,000 part-time students during the regular academic year. While not all of these academic units would have faculty members who would be involved in a fish protein concentrate demonstration project, there are additional personnel and resources available which have not been mentioned previously. Briefly then, we will outline these capabilities.

Many of the departments who would be concerned have already demonstrated the ability to undertake first-rate research. Evi-

dence to this effect is available from the University's budget which last academic year (1964–1965) included expenditures of $3,140,587 for sponsored research projects. This was up nearly $500,000 over the previous 12 months. Comparable increases have also been experienced in other years.

The Department of Agricultural Chemistry, with a faculty of four plus assistants and technicians, have been concerned with plant and food biochemistry and the chemistry of pesticides. In addition the department tests soils, feeds and fertilizers and has tested the fish concentrate products from the Point Judith Fishermen's Cooperative Association for a number of years. Thus considerable experience has been gained in the analysis of these products for protein, fat, fiber, ash, salt and acid content. The Department would be able to assist in the quality control of the fish protein concentrate plant through its experience and equipment and its proximity to the proposed site at Point Judith.

Much of the existing information on fish protein concentrate has been obtained with the use of a fish of relatively low lipid content. However, to obtain reliable information on the process, studies would have to include year-round mixed catches of a variety of fish. The existing or slightly expanded structure of the Department could cope with assisting in the quality control of such a study.

Basic studies would be required on the volatile flavor constituents of the fish protein concentrate as well as its color and amino acid ratios. The department has current projects, supported by state and federal funds, on the biosynthesis of food pigments and the recovery of the pesticide residues added to foods.

A very important aspect of the production of fish protein concentrate would be the utilization of the by-products of the operation. In this respect the Agricultural Chemistry Department is actively engaged on a study on the biosynthesis of seed oils and a program could be established to study the quality of the fish oil extracts as well. Finally, through such a testing program, the feasibility of using the fish residues for animal feed or fertilizer could be determined.

The animal science department has two main areas of research which could aid in the development of a fish protein concentrate (FPC), food biochemistry and animal nutrition. Research programs in progress are concerned with development of new dairy foods, studies with food enzymes and food proteins, and the nutritional value of feeds for large animals and chickens.

Basic information will be required on the properties of the protein in FPC; particularly properties which will allow effective incorporation of this product into a variety of foods, methods for rapid analysis of the essential amino acid content, and determination of the levels of essential amino acids over an extended period of time under production conditions with varieties of fish. Work will be needed on the development of new foods with good keeping-quality utilizing FPC. An example might be the development of a high protein cheese-type product combining FPC and skim milk. Nutritional value of FPC could be determined, utilizing the animal nutrition facilities, with chickens or rats as assay animals.

The College of Engineering and Division of Engineering Research and Development has the capability, staff, and interest to participate in the design and development of a plant to produce fish protein concentrate. There are 50 full-time Engineering faculty. There are 92 students enrolled full-time and 67 part-time in graduate programs leading to the M.S. and Ph. D. degrees, including students in the ocean engineering program.

The Engineering faculty would be involved in the design and evaluation of a plant building to include a complete layout for optimum utilization of space. Space determination to encompass sufficient work areas for the processing equipment as well as permanent and temporary storage requirements. Storage space requirements to be determined by patterns and quantity of product flow. Proper equipment and also facilities to meet pre-determined quantity and quality levels of production would have to be designed and selected. In addition adequate instrumentation in the processing system would be needed. The selection and design of the materials handling systems would be important. Equipment should endure through maximum production and require the minimum of maintenance. Studies would also probably be required to describe the plant activities in relation to the process in order that the correct skill level can be sought, and the jobs evaluated so that proper wage rates can be established. Essentially the same procedure for managerial and clerical requirements would be followed.

The Department of Food and Nutrition has six faculty members interested in such products as fish protein concentrate from the point of view of nutritional value (i.e., the contribution to the diet in vitamins and minerals as well as protein), uses to supplement a low protein diet, uses to improve the existing quality of protein in a diet, incorporating the concentrates into foods, and formulation of new recipes.

Protein deficiency is by far the most serious and prevalent nutritional problem in developing countries. To correct this by increased consumption of the protective foods such as meats, fish, milk and eggs is difficult because these are not readily available where the deficiencies occur. A low-cost fish protein concentrate could do much toward alleviating the dietary protein deficiency existing in these countries. The concentrate would be especially beneficial where cereal provides a large part of the diet since the amino acids which are low in the cereal are high in the fish and vice versa. FPC would likely also improve the calcium, thiamine, riboflavin and niacin levels in deficient diets.

Studies could be planned using different levels of fish protein concentrate to supplement diets of wheat, rice or maize to determine at what level supplementation was most effective.

Other balance studies might be designed to test the utilization of fish protein concentrate versus animal protein or cereal protein supplements to a similar amino acid pattern of crystalline amino acids.

SUMMARY

The Point Judith, Rhode Island area has advantages of location, facilities, and skilled personnel which will make the successful operation of an FPC plant practicable. Involvement of University of Rhode Island faculty members in the undertaking will also result in the generation of detailed and reliable information—including cost data—which can be used by federal officials for evaluation and comparison purposes.

Because of its interest in the marine sciences, such an activity would be welcomed by the University of Rhode Island.

We endorse the concepts spelled out in the proposed bill S. 2720 (To Authorize the Secretary of the Interior to develop, through the use of experiment and demonstration plants, practicable and economic means for the production by the commercial fishing industry of fish protein concentrate.) and urge that such a plant be located in the Point Judith, Rhode Island area.

LOOSE LENDING PRACTICES OF FHA

Mr. WILLIAMS of Delaware. Mr. President, in recent weeks I have been citing specific examples wherein the FHA, through its loose lending practices, was approving mortgages in excess of 100 percent of total construction and land costs with the result that builders were reaping quick windfall profits and then allowing the projects promptly to go broke with little or no payments ever being made on either the principal or the interest. These windfall profits resulted from inflated land and building cost allowances far in excess of actual expenditures.

The FHA does not keep a master file of its credit experience with these fly-by-night promoters, with the result that the same group of promoters operate in various areas over the country under different corporate names.

Today I outline for the information of the Senate a few statistics to show just how costly this loose procedure is and will continue to be unless corrected. The home buyers, through increased insurance costs, are partially underwriting these losses, and the American taxpayers will ultimately be shouldering the burden.

As of December 31, 1965, the total amount of outstanding mortgages which were insured by the FHA, both homes and multifamily projects, was over $50 billion—$50,085,910,481.

On December 31, 1965, the FHA inventory of bankrupt properties and notes which had been taken over where valued in excess of $1 billion. These repossessions of bankrupt projects are broken down, as follows:

	Number	Units	Amount
Multifamily	585	63,114	$589,024,995.86
Homes	44,580	46,416	512,516,244.03
Total	45,165	109,530	1,101,541,239.89

In reselling these repossessed projects the FHA is taking a terrific loss, far greater than they are admitting publicly. For example, during the first 6 months of the current fiscal year, June 30 to December 31, 1965, the loss ratio of 51 multifamily bankrupt projects that were resold showed the agency taking a 45-percent loss on its actual investment. The records show that the agency had a total cost in these 51 repossessed multifamily projects—4,491 units—of $33,149,457.83. These 51 properties were sold for $18,199,678.01, thus sustaining a loss of $14,949,779.82, and the 45-percent loss ratio that the FHA is now sustaining in its resale of these multifamily projects is about 16 percent higher than its overall average for prior years.

I ask unanimous consent that a more detailed report of these transactions be printed at this point.

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

Fiscal year 1966 to Dec. 31, 1965		Number	Units	Sales price [1]	Total cost	Net profit or loss (—) to fund
Fund	Section					
General insurance	207	6	844	$2,634,698.91	$5,476,670.42	—$2,841,971.51
Do	213	3	191	3,547,211.41	3,843,438.53	—296,227.12
Do	231	2	399	3,254,500.00	5,275,083.87	—2,020,583.87
Do	220	1	14	47,000.00	76,991.70	—29,991.70
Do	221				—13,721.48	13,721.48
Do	608	29	2,514	6,327,591.58	14,517,604.25	—8,190,012.67
Do	803	2	91	380,567.11	657,011.39	—276,444.28
Do	908	8	438	2,008,109.00	3,316,379.15	—1,308,270.15
Total, multifamily		51	4,491	18,199,678.01	33,149,457.83	—14,949,779.82

[1] Sales price includes proceeds of notes liquidated.

NOTE.—Average loss per unit, $3,328.83.

Mr. WILLIAMS of Delaware. In addition the FHA is in most instances refinancing the second sale of these multifamily projects with very little downpayment. The ultimate loss may even be greater than that reported here.

For example, I cite the FHA's experience with an Arizona multifamily project that was repossessed and then resold: Tarleton Park Apartments, Project No. 139–38002–PM, Tucson, Ariz.

The FHA made its final endorsement on a $1,693,000 mortgage covering this project on October 19, 1962. The sponsors were: David M. Berman, 1459 East Glenn, Tucson, Ariz.; Norman E. Green, 7420 Ellison Drive, Tucson, Ariz.; Michael Berman, 275 Linden Boulevard, Brooklyn, N.Y.

Eight months later, on June 20, 1963, this mortgage was in default and assigned to the FHA with total mortgage insurance settlement of $1,664,483.64. Title to this property was acquired by the FHA on November 15, 1963, at an additional cost of $244,104.70. This brought the FHA repossession cost to $1,908,588.34. The property was then sold to the Campus Associates for $740,000; terms, cash payment of $22,000 and purchase money mortgage of $718,000.

Thus in this instance the FHA sustained a loss of $1,168,588.34. This represents a loss of over 60 percent.

This particular project should never have been approved in the first place since the FHA records show that its own underwriters had warned that it was poorly located and lacking in architectural appeal. I quote from the FHA records the comments of one of its own underwriters:

Tarleton Park, Section 231 PM. Located North of Grant near Alvernon in Tucson. 180 units completed 6 months—115 vacant. Poorly conceived 5 story project lacking in architectural appeal in a borderline location. Exterior and interior are cold, severe and institutional in appearance. Lack of diversification (all 180 units are similar one bedroom apartments) further restricts marketability.

During the same 6-month period, June 30, 1965, to December 31, 1965, the FHA resold 23,656 homes which had been taken over by the agency under defaulted mortgages. On the resale of these homes the FHA sustained a loss of $68,824,837.33. This is a loss ratio of 21 percent or an average loss of $2,909.40 per home.

The loss ratio on the resale of private homes in fiscal 1966 has been averaging $500 per home higher than losses sustained in prior years. These 23,656 homes were repossessed by the FHA at a total cost of $317,000,295.83 and sold for $248,175,458.50, representing a loss of $68,824,837.33.

I ask unanimous consent that a more detailed report of these transactions be printed at this point.

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

Fiscal year 1966 to Dec. 31, 1965		Number	Units	Sales price	Total cost	Net profit or loss (—) to fund
Fund	Section					
MMI	203	19,135	19,346	$206,672,156.96	$260,839,347.86	—$54,167,190.90
General insurance	2			500.00	1,224.21	—724.21
Do	8	75	75	443,024.00	515,532.37	—72,508.37
Do	213	311	311	3,640,777.50	4,851,591.21	—1,210,813.71
Do	220	8	8	101,750.00	125,558.00	—23,808.00
Do	221	1,769	1,778	15,860,134.33	21,529,037.12	—5,668,902.79
Do	222	1,399	1,399	15,585,380.75	19,346,771.24	—3,761,390.49
Do	603	42	62	240,350.00	376,313.99	—135,963.99
Do	[1] 609					
Do	611					
Do	809	34	34	431,350.00	531,329.14	—99,979.14
Do	903	883	1,060	5,200,034.96	8,883,590.69	—3,683,555.73
Total, homes		23,656	24,073	248,175,458.50	317,000,295.83	—68,824,837.33

[1] Purchase notes.

NOTE.—Average loss per case, $2,909.40.

Mr. WILLIAMS of Delaware. As in the case of the multifamily projects the second sale of these repossessed home is refinanced by the FHA with the result that ofttimes the above loss figures only represent the initial loss.

As an example I cite one transaction in Orlando, Fla., which far too often is typical of the procedure.

I refer to mortgage No. 09–608425. This was an individual home located at 6027 West Robinson Avenue, Orlando, Fla. This new home was sold on October 30, 1961, for $16,000. The FHA insured the mortgage for $15,300. Payments were made through October 1963, reducing the principal balance to $14,894.09. No further payments were made, and on January 15, 1964, foreclosure proceedings were instituted with the FHA taking title to the property on May 8, 1964, at which time the FHA paid the mortgagee $15,174.49. Between May and October 1964 the FHA, as owner of the property, paid $11 per month broker fees and maintenance charges, bringing the total FHA investment as of that date to $15,229.49 plus accrued interest.

On October 26, 1964, the FHA sold the property on an "as is" condition for $11,150, at which time they estimated the cost of the necessary repairs to enable its sale at $840. This would bring the buyer's investment in this property to $11,990.

After making these repairs this property was sold for $13,500 on November 18, 1964; terms, $100 downpayment and the FHA insuring the remaining mortgage of $13,400. This represented a profit to the intermediate broker of $1,510 with the FHA assuming the responsibility for the payment.

Five payments were made by the second buyer as follows:

Jan. 4, 1965	$60.80
Jan. 7, 1965	24.64
Feb. 8, 1965	92.00
Apr. 17, 1965	98.04
Apr. 17, 1965	93.84

After April 1965 no further payments were made, and at this time the principal balance due on the mortgage was $13,337.70.

On September 20, 1965, the FHA instituted foreclosure proceedings—again the reason, defaulted mortgage. As of January 1966 the FHA still held title to this same property, and it is now offering it for sale at $13,000.

Summarizing the transactions involving this particular property, we find that the FHA on the two occasions in redeeming its mortgage guarantees paid the mortgagees a total of $28,512.19—first payment, $15,174.49; second payment, $13,337.70. The FHA received from the resale of the property after its first repossession $11,150. Subtracting the $11,150 from the $28,512.19 paid out shows that the FHA investment in this house as of January 1966 stood at $17,362.19. This does not include the carrying charges during the periods in which the property was in its possession. Thus, the FHA has an investment of $17,362.19 in this home which the FHA itself sold for $11,150 less than 2 years ago.

At this point I ask unanimous consent to have incorporated in the RECORD a letter signed by Commissioner Brownstein dated May 9, 1965, in which the details of this particular project are outlined.

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL HOUSING ADMINISTRATION
Washington, D.C. May 9, 1966.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am replying further to your letter of April 13, 1966, concerning the bulk sale of acquired properties in Florida.

A list of groups of houses sold in Florida under the Public Package Offering plan is attached. The sales included 1,956 individual houses. The list shows the group sales number, the number of properties in each group, the price received by the FHA at the sale and its expenditure at the time of acquisition.

The item shown as FHA expenditure is not a true acquisition cost. It includes reimbursement to the mortgagee for taxes, insurance, and FHA mortgage insurance premiums which it paid out of its own funds, as well as unpaid principal balance, accrued interest, taxes on deeds and two-thirds of the foreclosure costs. Reimbursement for unearned insurance and taxes accrues to the benefit of the government and if these items remain unearned at the time of resale they are included in the resale settlement.

These properties are sold on a competitive bid basis following advertisement in newspapers having a substantial circulation in the area where the property is located. The offering is also circularized to all persons or organizations who are known to be interested in transactions of this nature. Properties are not made a part of a package offering until they have been listed for individual sale for at least 30 days. The advertisement and circular notice states a minimum bid price for each property which is computed by the Property Management Section of the field office.

The successful bidder is required to purchase the homes regardless of his ability to sell them to third parties. He is required to execute a contract by which he agrees to repair, maintain and sell the properties within six months. If a sale is made to a third party purchaser within six months, FHA conveys title directly to the purchaser. If a sale is not made within six months, the successful bidder is obligated to take title in his own name. In this event FHA will accept a purchase money mortgage in an amount up to the declared minimum bid price.

FHA does not recondition these homes prior to sale in the package program. This is a part of the package purchaser's responsibility under the Sales Contract.

FHA does not finance the sale of houses to third party purchasers under this program. Financing must be arranged with private lending institutions but FHA will insure mortgages presented by approved mortgagees as in other transactions.

The following is a resume of all transactions involving the house located at 6027 West Robinson Avenue, Orlando, Florida:

The house was built by Vetter Line Construction Company of Orlando, Florida. The original mortgagors were Ralph R. and Mary L. McNatt who purchased the property on October 30, 1961, for $16,100. FHA insured the mortgage for $15,300 under Case Number 09–608425. The first mortgage payment of $104 was made on December 1, 1961, and was credited $16.78 to principal, $70.12 to interest, and $17.10 to escrow. Regular monthly payments were made through October 1963 reducing the principal balance to $14,894.09. The mortgagor made no further payments and the mortgagee instituted foreclosure proceedings on January 15, 1964. Title was conveyed to FHA on May 8, 1964.

The mortgagee was paid $15,174.49. This amount was computed in accordance with Section 204(a) of the National Housing Act, as follows:

Unpaid balance of mortgage	$14,894.09
Payments made by mortgagee:	
Mortgage insurance premium	74.97
Taxes	75.39
Hazard insurance premium	53.50
Taxes on deeds	64.40
⅔ of foreclosure costs actually paid by mortgagee	246.61
Total	15,408.96
Less:	
Escrow funds	215.57
Hazard insurance refund	18.90
Total	234.47
Total	15,174.49

FHA listed this property for sale on the open market in July 1964 and during the period of its ownership paid approximately $3 per month management broker fees and approximately $8 per month maintenance costs.

On October 26, 1964, the property was sold to Sharpe Building Corporation in an "as is" condition for $11,150 as a part of Group No. 132 which consisted of ten properties. This house required substantial repairs, including exterior and interior painting, replacing broken doors, windows, caulking, and kitchen and bathroom fixtures. FHA estimated the cost of repairs to be $840.

After making all the necessary repairs, Sharpe Building Corporation sold the property on November 18, 1964, to Harrell J. and Jay I. Sims for $13,500. FHA issued a commitment on November 30, 1964, to insure a mortgage for $13,400. The mortgage was signed on December 17, 1964, and was insured on December 28, 1964, under FHA Case Number 093–023984–203.

The maximum insurable mortgage on resale by a bidder under the Public Package Offering plan is computed by adding to the minimum bid price the estimated cost of repairs, the estimated sales and closing costs, and the estimated cost of taxes, maintenance, utilities, management fees, hazard insurance, and administrative overhead for a six month period. These are expenses which the bidder must pay if six months elapse before sale and for which he is entitled to reimbursement.

I am informed by the Tampa insuring office that in 1961 when this house was built the market was good, but since that time there has been a substantial decrease in demand in the area of this subdivision. This condition is reflected in the difference between the original sale price of $16,100 and the price paid by Mr. and Mrs. Sims. FHA has sold 71 properties in this subdivision and still has 35 in its inventory.

Mr. and Mrs. Sims made payments on account of principal, interest, and escrow as follows:

	Payment	Interest	Principal	Escrow	Late charge
Jan. 4, 1965	$60.80	$27.43	$15.47	$17.90	
Jan. 7, 1965	24.64			24.64	
Feb. 8, 1965	92.00	58.56	15.54	17.90	
Apr. 17, 1965	98.04	58.49	15.61	17.90	$1.84
Do	93.84	58.42	15.68	17.90	1.84

The last payment was made in April 1965 leaving a principal balance of $13,337.70. The mortgagee instituted foreclosure proceedings on September 20, 1965. The reason given by the mortgagors for default was illness and loss of work.

The property was conveyed to FHA on January 27, 1966, and we are now offering it for sale at $13,000.

Sincerely yours,

P. N. BROWNSTEIN,
Assistant Secretary-Commissioner.

Mr. WILLIAMS of Delaware. The foreclosures of over $1 billion as outlined in this report do not include the millions represented in mortgages upon which modification agreements have been entered into wherein either payments on principal or interest are deferred.

What makes this situation even more serious is the fact that the rate of repossessions on the multifamily projects is showing an alarming increase. It is now running at a rate of over 10 percent—10.19 percent on December 31, 1965—as compared to 9.89 percent on August 31, 1965, and 9.33 percent on November 30, 1964. Each 1-percent increase in the default rate represents millions in foreclosures.

AN $800,000 SHORTAGE IN HARYOU–ACT IN NEW YORK CITY

Mr. WILLIAMS of Delware. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in the New York World Telegram of February 3, 1966, by M. David Levin entitled "HARYOU Report Ignores 800G Deficit"; my letter to Sargent Shriver, Director of the Office of Economic Opportunity, dated February 9, 1966, requesting information on this alleged shortage; and his reply dated March 23, 1966, in which he promises to submit the facts after the audit has been completed.

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

[From the New York World Telegram, Feb. 3, 1966]

HARYOU REPORT IGNORES 800G DEFICIT

(By M. David Levin)

An unexpected and voluminous report on financially plagued HARYOU–ACT was released today by Livingston L. Wingate, the suspended executive director—but nowhere did Mr. Wingate mention where all the money went.

The $25,000-a-year executive was relieved of his day-to-day responsibilities on Dec. 6 to give all his time to unraveling the mysteries of the antipoverty agency's books, in which an independent audit could not account for about $800,000.

But the Wingate report today still leaves the $800,000 in the realm of speculation.

"EXCELLENT PROGRAM"

Mr. Wingate was unavailable today for comment.

But his report recapitulates last year's activities and says "there is nowhere in the nation a program, such as ours, that can match our accomplishments."

Commenting on the report in Washington, James F. Kelleher, deputy director of Sargent

Shriver's Office of Economic Opportunity under which HARYOU–ACT acts, said:

"The Summer program was excellent and we would like to see the financial and accounting practices raised to the same degree."

Mr. Kelleher said he understands that Mr. Wingate, 49, is expected to issue a financial report on the multi-million dollar city agency on Monday. Until the report is studied the Federal government will not comment further, he said.

The new report also projects current and planned activities through this year and calls for an increase in funds for the $13-million program. Employment training programs for Harlem youth is stressed.

Mr. Wingate also noted that unions and industry have cooperated in the agency's programs and might be interested in further cooperation.

Expansion of the Neighborhood Youth Corps was urged as the quickest way to provide 1,000 jobs "needed to head off the present job crisis among Harlem youth. The plan would employ Harlem youth * * * as apprentices to various city agencies, beginning with hospitals and buildings. The Transit Authority would be included."

FEBRUARY 9, 1966.

Mr. SARGENT SHRIVER,
Director, Office of Economic Opportunity, Washington, D.C.

DEAR MR. SHRIVER: On February 3, 1966, there appeared in the Journal-American an article alleging that there is a shortage of approximately $800,000 in the accounts of HARYOU-ACT in New York City.

Please advise me whether or not there is a shortage of accounts in this particular program. If so I would appreciate the following information:

1. How much is the shortage?

2. A complete report of whatever information you may have in connection with the manner in which these funds have been handled as well as an explanation of the missing money.

3. Who were the officials in charge of this program at the time the shortage took place?

(a) If any of these officials are still on the payroll, a list with addresses, salaries at the beginning of the program, and present salaries.

Yours sincerely,

JOHN J. WILLIAMS.

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C., March 23, 1966.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: Sargent Shriver asked me to thank you for your letter of February 9 in which you request information regarding the Journal-American article alleging that there was a shortage of approximately $800,000 in the accounts of HARYOU-ACT.

A team of auditors representing the city of New York, the Department of Labor, the Office of Economic Opportunity, and the Department of Health, Education, and Welfare, each of which is financing part of HARYOU-ACT's activities, are in the process of completely reconstructing the books and records of that agency. They are being assisted in this endeavor by Livingston Wingate, HARYOU's Executive Director. The reconstruction should be completed within the next few weeks. Until that time there is no way to say with certainty that a shortage actually exists, although HARYOU's preliminary report on this matter indicates that it does not. As you know HARYOU has been the subject of recent testimony before the House Committee on Education and Labor. Since the problems of last summer, the agency has taken significant steps to insure that the chaotic conditions of its previous program do not reoccur.

You may be assured that as the facts are developed regarding the books and records they will be fully disclosed.

We appreciate knowing of your interest.

Sincerely,

WILLIAM G. PHILLIPS,
Assistant Director for Congressional Relations.

Mr. WILLIAMS of Delaware. Mr. President, I understand from the press that this report has been completed, but a cloak of secrecy seems to have fallen over it. Under date of June 8, 1966, I wrote Mr. Shriver again, requesting a copy of the audit report. As yet I have not received any reply to this last request.

In view of the fact that an allegation has been made that there has been a shortage of approximately $800,000 in the expenditures of this Government's money, I think it is time that Mr. Shriver submit this report to Congress.

I ask unanimous consent to have my letter of June 8 to Sargent Shriver printed in the RECORD.

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

JUNE 8, 1966.

Mr. SARGENT SHRIVER,
Director, Office of Economic Opportunity, Washington, D.C.

DEAR MR. SHRIVER: Sometime ago I requested information in connection with alleged shortages of funds in HARYOU-ACT, and under date of March 23, 1966, you advised that your auditors were examining the accounts of this agency.

According to the press this investigation has been completed, and I would appreciate receiving a copy of the report.

Yours sincerely,

JOHN J. WILLIAMS.

EXECUTIVE SESSION

On request of Mr. KUCHEL, and by unanimous consent, the Senate proceeded to the consideration of executive nominations reported today.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

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

William P. Gray, of California, to be U.S. district judge for the southern district of California;

A. Andrew Hauk, of California, to be U.S. district judge for the southern district of California;

Raymond J. Pettine, of Rhode Island, to be U.S. district judge for the district of Rhode Island; and

Virgil Pittman, of Alabama, to be U.S. district judge for the middle and southern districts of Alabama.

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

Walter R. Mansfield, of New York, to be U.S. district judge for the southern district of New York.

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

James Braxton Craven, Jr., of North Carolina, to be U.S. circuit judge, fourth circuit.

The PRESIDING OFFICER. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

U.S. DISTRICT JUDGES

The legislative clerk read the nomination of 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.

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

The legislative clerk read the nomination of 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.

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

The legislative clerk read the nomination of A. Andrew Hauk, of California, to be U.S. district judge for the southern district of California vice William M. Byrne, retiring.

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

The legislative clerk read the nomination of William P. Gray, of California, to be U.S. district judge for the southern district of California vice Harry C. Westover, retired.

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

Mr. KUCHEL. Mr. President, I am delighted that the Senate today is confirming two distinguished Californians for judicial service on the Federal district court in Los Angeles. Judge Hauk, a present superior judge in California is a Democrat, and William Gray, a distinguished lawyer, is a Republican. Both of these men are eminently qualified to give excellent service to the Republic.

The legislative clerk read the nomination of 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.

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

The legislative clerk read the nomination of Walter R. Mansfield, of New York, to be U.S. district judge for the southern district of New York vice John M. Cashin, retired.

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

Mr. JAVITS. Mr. President, I express my satisfaction at the confirmation by the Senate of the nomination of Walter Mansfield, of New York, to be a U.S. district judge.

He is a friend of very long standing, one of New York's most distinguished lawyers, and will be a real ornament to the Federal judiciary.

FEDERAL POWER COMMISSION

The PRESIDING OFFICER. The nomination on the Executive Calendar will be stated.

The legislative clerk read the nomination of 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.

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

Mr. KUCHEL. Mr. President, I ask that the President be immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

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

AUTHORITY TO SIGN BILLS, RECEIVE MESSAGES, AND FILE REPORTS

Mr. KUCHEL. Mr. President, I ask unanimous consent that during the adjournment of the Senate from the close of business today until noon tomorrow, the Secretary of the Senate be authorized to receive messages from the President of the United States and from the House of Representatives; the Vice President and the President pro tempore be authorized to sign enrolled bills; and committees to file reports.

The PRESIDING OFFICER. Without objection it is so ordered.

ARGENTINA—MILITARY TAKEOVER

Mr. JAVITS. Mr. President, the military overthrow of the Argentine Government Monday night represents an important setback to Argentina's economic and political development and it is therefore important that the United States make its position abundantly clear on the question of military takeovers.

In this connection I want to call to the attention of the Senate the outstanding editorial which appeared in this morning's New York Times on this question. It underscores the point I made in my statement yesterday that the coup cannot solve Argentina's problems—it can only postpone them.

I commend the administration for suspending diplomatic relations with Argentina and I urge that the United States withhold recognition from the new regime until, as a minimum, it meets the standards of resolution 26 adopted at the Second Special Inter-American Conference last November. This is essential so that the new regime in Argentina does not interpret our current position as "window dressing" in view of the support we have given to the Brazilian Government of President Castello Branco.

I ask unanimous consent to have the editorial from the New York Times, entitled "Once More, in Argentina" printed in the RECORD.

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

[From the New York Times, June 29, 1966]

ONCE MORE, IN ARGENTINA

The military coup against President Illia gives no promise of solving any of Argentina's serious problems. The Johnson Administration is right to go through the motions—undoubtedly temporary—of suspending diplomatic relations with the new military junta. Washington's sharply worded statement puts a finger on the really dismaying feature: "The United States regrets the break in continuity of democratic constitutional government in Argentina."

All modern history teaches that it is only too easy to destroy the laborious process of democratization in a country, and only too difficult to bring a whole people back to the spontaneous, unified, tolerant structure of popular government. No nation on earth has been proving the sad truth of this lesson in politics more vividly than Argentina in recent times.

The present chaos began with the military revolt of 1930. Argentina had had a traditional structure for some eighty years before that. There was much fault to be found with it, but there were also many old-fashioned virtues of patriotism, probity, social stability, a growing democracy, a rich culture, a flourishing economy. After 1930, the whole fabric of Argentine society began to disintegrate. Perón, whose career started then, destroyed what was left of the ruling caste and the existing social system.

In President Johnson's words there has been no national consensus since then. It is as if Argentina had been fighting a bloodless War of the Roses which permitted breathing spells of truce but no peace.

Essentially, Argentina is a nation in a state of anarchy. The industrial and agricultural workers will be against the new junta, for it is aimed against their Perónism. The political parties and Congress have been dissolved. The Ongania junta cannot even hope to reproduce a Brazilian-type military government because it will not have popular support, although General Ongania is at least the best man available.

The coup d'état was a deplorable act. The junta will no doubt now try the impossible task of crushing Perónism. But Argentina will know no peace until the military, the politicians and the workers compose their differences and re-create a nation out of what is now a congeries of hostile factions.

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

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

SMALL BUSINESS INVESTMENT CORPORATIONS

Mr. McCLELLAN. Mr. President, the Senate Permanent Subcommittee on Investigations, of which I am chairman, has been conducting for the past several months a preliminary investigation into the operations of certain small business investment corporations and into the administration and supervision of these corporations by the Small Business Administration. There are about 700 of these corporations in the country, which are licensed to operate under provisions of the Small Business Investment Act of 1958.

The law enables the owners of the investment corporations to borrow from the Federal Government, through the Small Business Administration, funds totaling twice the amount of private capital they have invested themselves. These corporations are organized for the ostensible purpose of providing financing to small business concerns.

Mr. President, the investigation has reached a point where the subcommittee considers it advisable to conduct hearings. We hope to start them within the next 4 to 6 weeks. The testimony will relate to allegations of improprieties, misconduct, and misapplication of funds among the small business investment companies, and we will examine reports of inadequate supervision and administration of the program by the Small Business Administration.

Several events of interest have occurred since the subcommittee's decision to hold hearings on these matters. On June 3, 1966, the Deputy Administrator of the Small Business Administration, Richard E. Kelley, who has been the official in charge of the investment program since February of 1964, made a speech in San Francisco in which he commented at length upon the many serious problems faced by the small business investment industry and by his agency. On June 10, 1966, Mr. Kelley announced that he intended to resign from his position. At a convention in New York State on June 14, 1966, Mr. Kelley repeated the speech he had given previously in San Francisco. The appointment of his successor as Deputy Administrator, Howard Greenberg, was announced on June 23.

In his address to the small business investment industry, Mr. Kelley gave some indications of the alarming conditions which have been found during our investigation to be somewhat widespread in the industry. He remarked on certain "dubious practices" which will be closely examined in the subcommittee's hearings, and he sounded a warning that the Small Business Administration is likely to lose about $18 million of the $300 million it has loaned to small business investment corporations mainly because of "the wrong people who operated SBIC's." Our information indicates, Mr. President, that his estimate of the loss may turn out to be a rather conservative guess.

Mr. Kelley also reported some startling figures on the number of problem companies in the industry. He stated that 232 of the 700 small business investment companies under his supervision were included on the SBA's "problem" list as of April 30, 1966. In his remarks, he divided the 232 firms into two groups of 102 and 130 companies, and categorized them as follows:

First. Among the group of 102 companies, 60 are inactive or are in the process of surrendering their license, and 42 are capitally impaired, with 50 percent or more of the private capital lost.

Second. Among the group of 130 companies, 70 are in litigation or under investigation; 13 are capitally impaired and the SBA has no confidence in their management; 47 have significant violations of SBA regulations, and, "accordingly, must be closely watched."

Mr. President, it is quite disturbing when we consider that fully one-third of all the companies in this investment program are considered to be serious problems.

Many of the other matters discussed by Mr. Kelley relating to the serious problems that have developed during the 8-year licensing program for small business investment corporations will be subjects upon which testimony will be taken during our hearings. However, our inquiry will not be limited only to the disclosures he made.

The summary of Mr. Kelley's speech which was published by the Wall Street Journal on June 15 is informative and relatively brief, and I ask unanimous consent, Mr. President, that it be printed in the RECORD at this point in my remarks.

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

[From the Wall Street Journal, June 15, 1966]

SBIC CHIEF CALLS 232 OF THE 700 COMPANIES "PROBLEM" FIRMS, WARNS OF $18 MILLION LOSS

KIAMESHA LAKE, N.Y.—The man who supervises the nation's 700 small business investment companies said 232 of them are "problem companies," including 47 with "significant violations" of the Small Business Administration's regulations and another 70 that are "in litigation or under investigation" by the SBA.

He also warned that the SBA is "likely" to lose about $18 million of the $300 million it has loaned to SBIC's, mainly because of "the wrong people who operated SBICs."

But Richard E. Kelley, outgoing deputy administrator of the SBA, said he still is "bullish" on the eight-year-old SBIC program because "the industry today does indeed look much better" than when he joined the SBA in February 1964. The industry "is filling a needed niche in our society and our economy," Mr. Kelley asserted.

His remarks, prepared for delivery to a meeting of SBIC executives here, marked the first time an SBA official has publicly commented on the scope of the industry's problems. Mr. Kelley, who last week announced he was resigning this summer from the SBA to return to private business, said yesterday that it was "appropriate" that his speech be made with "complete frankness."

FUNCTION OF PROGRAM

SBICs, which were authorized by a 1958 Federal law, are designed to provide financing to small industrial and other concerns. The law provides that each SBIC's owners must put up some of their own funds to finance their SBIC, and can borrow the rest from the SBA.

Mr. Kelley said that one of the widespread "dubious practices" he discovered when he joined the SBA was SBIC owners who had got around the requirement that they put up some of their own money. He said these owners would borrow their funds from a bank, pledging their SBIC shares, and then repay the bank loan with part of the funds they received from the SBA.

Another problem, he said, was "self deals"—SBICs lending money to concerns controlled by the SBICs' owners.

He attributed these problems to "lax" licensing standards, adding that of 732 SBICs licensed by Jan. 31, 1964, "only 174" had been examined by the SBA.

INTERNAL AGENCY PROBLEMS NOTED

Mr. Kelley also said that when he joined the SBA there were "serious internal problems within the Government" over regulation of SBICs. For one thing, he said, the SBA's investment division and the SBA's office of general counsel each had its own set of lawyers and these sets "could never agree" on plans for investigating SBICs that were in trouble. Even when the lawyers "finally managed to get together with much blood, sweat and tears," any case involving possible fraud had to be referred to the Justice Department. "At times, as much as a year would pass before the department would decide to move or not move," he added.

These internal problems have since been ironed out, Mr. Kelley said, so that legal proceedings against SBICs are "expected to proceed much more swiftly."

He also noted that licensing standards and certain other regulations have been stiffened and examinations stepped up the past two years in an effort to get "the bad companies out of the program." But he said there was still 232 "problem companies" at the end of April.

Of the 232, he said, 60 "are inactive or in the process of surrendering their license," 42 have lost more than half their private capital "but we believe the present managements can bail them out," 13 have lost more than half their capital and "we have no confidence in their management," 70 are in litigation or under investigation and 47 have "significant violations" of SBA rules. "We have made giant strides in moving to clean this situation up, but our problems were so massive . . . that we haven't done well enough," he said.

Mr. Kelley said he nonetheless saw a number of "significant positive factors working for the industry," including rising earnings for those companies that aren't in trouble and the increased experience of their executives.

WEST FRONT OF THE CAPITOL

Mr. PROXMIRE. Mr. President, I had intended to introduce today a resolution to stop the proposed $34 million desecration of the west front of the Capitol.

The resolution would have prohibited any change in architectural design or location of the west front other than the restoration needed for the existing structure.

I am happy to report, however, that the need for this resolution's introduction no longer exists. The Subcommittee on Public Buildings and Grounds of the Senate Committee on Public Works this morning reported to the full committee a resolution and amendment which would serve exactly the purpose I had in mind.

The resolution, Senate Joint Resolution 76, sponsored by the esteemed Senator from West Virginia [Mr. RANDOLPH], would initiate a comprehensive, long-range land-use study for Capitol Hill.

The amendment would prohibit any changes in the west front of the Capitol except restoration.

This is what I wanted to achieve and I congratulate the Senator from West Virginia for his foresight and wisdom. I am assured that his resolution will be reported from committee as soon after the Independence Day recess as possible so that all Senators will have an early chance to exercise their judgment on this vital issue.

I also understand that a number of resolutions aimed at the same goal will be introduced today in the House. Thus, as you can see, Members of Congress are not willing to let the Architect of the Capitol ruin—under the guise of acquiring additional restaurant and conference room space—the last original external portion of our Capitol still visible.

Laudable as these resolutions are, they do not complete the course of action so badly needed to meet the problem of how to correct the deterioration of the west front.

I intend to introduce at the earliest possible date a bill designed to give us intelligent information on which we can base our ultimate decision.

This bill would require an independent survey—and by all means independent of the Architect of the Capitol—of the west front.

It would provide some estimate of costs to restore the existing structure—something the Architect of the Capitol's engineering friends deemed too lightly to consider.

It also would give us an independent estimate of the cost to extend the west front. We then would have something by which to measure the $34 million which the Architect of the Capitol wants for his pet project.

This bill also would direct the firm selected to do the survey to develop any third alternative that appears feasible.

With this information, we then would be in a position to decide what is best to preserve our Capitol and what costs we could expect to be incurred.

Then, exhaustive public hearings would be held so that opinions—private, official, and professional—could be heard. In this way, the people of our country could have some voice in the fate of their Capitol.

We can do no less. Certainly we cannot accept the proposal put forth 2 weeks ago without hearings, without consideration for the people or the Capitol, or without some alternate estimates of the costs involved.

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

Mr. PROXMIRE. I am delighted to yield to the Senator from Mississippi.

Mr. STENNIS. I was fortunate enough to hear the latter part of the Senator's statement. I wish to associate myself with his remarks. I think the Senator is to be congratulated, and I encourage him to move forward along the lines on which he has thus far met with such evident success.

I consider this a highly important matter—not just a passing thing, not an addition to a building in the ordinary sense, but a proposal to deface one of our most beautiful and important monuments. That is my point of view.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Mississippi, who is so highly esteemed by all Senators, for his very gracious remarks.

I must say that he emphasized something which I neglected to mention in my statement—that this is a beautiful and stunning building, the most revered and most loved building in America. Architects tell us it is one of the most beautiful buildings in the entire world. It certainly deserves the most thoughtful, careful, and prayerful consideration before we permit action to be taken that would, in the judgment of many expert architects, deface it.

There is no Senator whom I would rather have associated with me on this matter than the Senator from Mississippi, and I thank him for his remarks.

Mr. President, I yield the floor.

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

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

MESSAGE FROM THE HOUSE

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

H.R. 5256. An act to amend title 10, United States Code, to change the method of computing retired pay of certain enlisted members of the Army, Navy, Air Force, or Marine Corps;

H.R. 12615. An act to amend sections 404 (d) and 408 of title 37, United States Code, to authorize members of the uniformed services to be reimbursed under certain circumstances for the actual cost of parking fees, ferry fares, and bridge, road, and tunnel tolls;

H.R. 13125. An act to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended;

H.R. 14741. An act to authorize an increase in the number of Marine Corps officers who may serve in the combined grades of brigadier general and major general; and

H.R. 15005. An act to amend title 10, United States Code, to remove inequities in the active duty promotion opportunities of certain officers.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

H.R. 1240. An act for the relief of Harry C. Engle;

H.R. 3788. An act to revive and reenact as amended the act entitled "An act creating the City of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Ill.," approved December 21, 1944;

H.R. 3976. An act to amend the act of July 26, 1956, to authorize the Muscatine Bridge Commission to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Ill.;

H.R. 5204. An act for the relief of Joseph K. Bellek;

H.R. 6590. An act for the relief of Arthur Hill;

H.R. 8793. An act for the relief of Eugene J. Bennett;

H.R. 9302. An act for the relief of Lt. Charles W. Pittman, Jr., U.S. Navy;

H.R. 10994. An act for the relief of Charles T. Davis, Jr., Sallie M. Davis, and Nora D. White;

H.R. 12232. An act to amend title 1 of the United States Code to provide for the admissibility in evidence of the slip laws and the Treaties and Other International Acts Series, and for other purposes;

H.R. 13650. An act to amend the Federal Tort Claims Act to authorize increased agency consideration of tort claims against the Government, and for other purposes;

H.R. 13652. An act to establish a statute of limitations for certain actions brought by the Government;

H.R. 14025. An act to extend the Defense Production Act of 1950, and for other purposes;

H.R. 14182. An act to provide for judgments for costs against the United States; and

H.J. Res. 1180. Joint resolution making continuing appropriations for the fiscal year 1967, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Armed Services:

H.R. 5256. An act to amend title 10, United States Code, to change the method of computing retired pay of certain enlisted members of the Army, Navy, Air Force, or Marine Corps;

H.R. 12615. An act to amend sections 404(d) and 408 of title 37, United States Code, to authorize members of the uniformed services to be reimbursed under certain circumstances for the actual cost of parking fees, ferry fares, and bridge, road, and tunnel tolls;

H.R. 14741. An act to authorize an increase in the number of Marine Corps officers who may serve in the combined grades of brigadier general and major general; and

H.R. 15005. An act to amend title 10, United States Code, to remove inequities in the active duty promotion opportunities of certain officers.

AMENDMENT OF TITLE III OF THE FEDERAL CIVIL DEFENSE ACT OF 1950, AS AMENDED

Mr. INOUYE. Mr. President, in compliance with a request from the chairman of the Committee on Armed Services and with the concurrence of the majority leader and the minority leader, I ask unanimous consent that the Chair lay before the Senate a bill coming over from the House.

The PRESIDING OFFICER laid before the Senate H.R. 13125, to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended, which was read twice by its title.

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

There being no objection, the Senate proceeded to consider the bill.

Mr. INOUYE. Mr. President, the bill would extend from June 30, 1966, to June 30, 1970, the authority under the Federal Civil Defense Act to declare a national emergency for civil defense purposes and to vest emergency powers in the President during such an emergency. The bill was passed by the House yesterday and because of the imminent expiration of the authority the bill would extend, approval has been secured to request Senate action without reference to the Committee on Armed Services.

The authority this bill would extend was originally enacted in 1950 as a part of the Federal Civil Defense Act of 1950. It has been extended for 4-year terms on three previous occasions without controversy.

Under the authority the existence of an emergency can be proclaimed by the President or by concurrent resolution of the Congress if either finds that an attack upon the United States has occurred or is anticipated and that the national safety requires an invocation of the emergency authority. Any such emergency is terminable by proclamation of the President or by a concurrent resolution of the Congress.

The emergency powers conferred include those of using Federal personnel and facilities, providing emergency shelter, repairing or restoring of Federal utilities and facilities, broad Federal procurement and utilization authority over property, reimbursement of States for assistance given to other States, streamlined authority for the temporary employment of additional personnel without regard to the civil service laws, financial assistance for temporary relief of civilians injured during an attack, and the incurring of such obligations on behalf of the United States as are required to meet the conditions created by the attack.

During the period of any such emergency, quarterly reports covering all action pursuant to the emergency powers are required to be submitted to the Congress.

Constitutional safeguards regarding just compensation for nongovernmental property acquired are preserved, and the immunity of the Federal Government from suits while performing emergency functions is reserved.

Extension of this authority is requested by the executive branch and so far as I know, there is no opposition to it. I urge approval of the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question

is on the third reading and passage of the bill.

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

ADJOURNMENT

Mr. INOUYE. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand adjourned until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 1 o'clock and 52 minutes p.m.) the Senate adjourned until Thursday, June 30, 1966, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 29, 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.

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.

A. Andrew Hauk, of California, to be U.S. district judge for the southern district of California.

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.

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.

EXTENSIONS OF REMARKS

Sixth Anniversary of the Independence of the Congo: A Nation of Forward-Looking Change

EXTENSION OF REMARKS
OF
HON. ADAM C. POWELL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 29, 1966

Mr. POWELL. Mr. Speaker, June 30 will mark the sixth anniversary of the day of African colonial territory of the Belgian Congo emerged as a free and independent nation. This is a memorable occasion, and we wish to extend warmest felicitations to His Excellency Lt. Gen. Joseph D. Mobutu, President of the Democratic Republic of the Congo; and to the Honorable Joseph U. Nzeza, Minister Plenipotentiary, Chargé d'Affaires to the United States from the Congo.

The Congo's independence was precipitated by the burning passion of the Congolese to assume the privilege and the responsibility of determining their own course in history. These 6 years have been trying ones in every sense, but if they were trying years, by the same token they were proving years. The Congo has been moving toward the day of national unity, economic prosperity, and political maturity.

The Congo is exceedingly rich in natural resources, and has always been among the leaders in African economic development. She controls over 8 percent of the world's copper production and most of the world's supply of cobalt and industrial diamonds. In 1957 the Congolese had the highest literacy rate and the highest wages of any people in tropical Africa, and in spite of severe internal conflicts they have begun to operate effectively the advanced economic system that they inherited with their independence.

Expansion of manufacturing has proceeded rapidly in response to increased consumer demand. In contrast to the industrial development of many economies, no artificial prodding was necessary. As the people have indicated their demands, private investors have moved to supply them, thereby enlarging Congolese industrial capabilities and output.

National spirit is gaining more unified expression as the Congo advances. Thus, the distinctly African identity of her people has been emphasized by the recent conversion of some of the European-given city names to African names. Leopoldville is now Kinshasa, Elizabethville is Lubumbashi, and Stanleyville is to be called Kisangani. Although cartographers may have some adjustment difficulties, the new nomenclature is a strong and immediate symbol that the Congo belongs to the Congolese.

I salute the progress they have made in the long struggle for security and independence. My interest in the Congolese people, sustained throughout these 6 years of emancipation, will continue as they continue to face the challenges of our modern age.

After 30 Years: The U.S. Merchant Marine Is Still Sick

EXTENSION OF REMARKS
OF
HON. ED REINECKE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 29, 1966

Mr. REINECKE. Mr. Speaker, under previous permission to extend my remarks I wish to call to the attention of the House a timely article in the July 1966 issue of the American Legion magazine dealing with the "U.S. Wartime Shipping Sickness" by Robert Angus. The article is quite lengthy, and therefore I shall not insert it into the RECORD at this point. However, each House Member does receive this magazine, and should study this article carefully.

The article is timely, Mr. Speaker, because yesterday, June 28, 1966, marks the 30th anniversary of the Merchant Marine Act of 1936. This anniversary passed unnoticed by this administration. At least so far they have ignored the legal obligations of the U.S. Government under this law, to promote the development of an adequate merchant marine to meet both the commercial needs of this country, and the emergency needs which face this Nation. And after 30 years of this law we find our merchant marine marooned on the rocks of indecision. After 30 years of this law we find our merchant marine in sixth-rate position in the maritime world. And after 30 years of this law we find that this administration still has not given to the Nation the long-lost, anxiously awaited "national maritime policy" which it promised 18 months ago.

Mr. Speaker, yesterday, June 28, the 30th anniversary of the Merchant Marine Act of 1936, would have been an excellent and appropriate time to announce the national maritime policy. In fact it would have been a politically dramatic time to do so. And political dramatics are important to this administration. But there was nothing but silence. A silence, Mr. Speaker, like the gray stillness of a dark, foggy night at sea. The kind of dark, still, foggy silence which would strike apprehension into the hearts of mariners. Without the beacon of leadership from this administration our merchant marine will sink into the night of chaos and neglect.

The 25th Anniversary of the Death of Paderewski

EXTENSION OF REMARKS
OF
HON. ROMAN C. PUCINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 29, 1966

Mr. PUCINSKI. Mr. Speaker, today, June 29, marks the 25th anniversary of the death of one of the world's cultural giants.

Ignacy Jan Paderewski was a man of genius. He gave the world some of its greatest moments of music. He inspired countless thousands of people to strive, as he had, for greater human liberty, greater independence of thought, greater dignity for all men.