and growing industry; and we are buying the sugar we need from other countries at a price that does not impoverish the producers of sugar in these nations.

And, in this connection, with the permission of the House, Mr. Speaker, I am inserting at this point in the RECORD a copy of the press statement I issued on October 25, 1965, commenting upon the passage of the then-controversial Sugar Amendments. This may aid in refreshing some memories. The statement follows:

COOLEY HAILS SUGAR BILL PASSAGE AS VICTORY FOR CONGRESS AND TRUTH

Chairman HAROLD D. COOLEY of the House Committee on Agriculture today hailed the overwhelming passage of the Sugar Bill as a "telling victory for the separation of powers in our system of government and an outright repudiation of slander mongers who live on the manufacture of sensation in some areas of our news media."

"By votes of 174 to 88 in the House and 41 to 10 in the Senate," the North Carolinian declared, "the Congress refused to set up a sugar czar in the Executive Department, and asesrted its responsibility to deal independently with policies, domestic and foreign, which are of concern to our people.

"The Congress by these votes resoundingly rebuffed and discredited those who have spread rumor and untruth which bore insinuations and intimations against the integrity of our legislative processes and against individual members of the Congress.

"The Congress vindicated the Members of the House Committee on Agriculture and other Members who participated in the development of the sugar legislation."

Mr. COOLEY said that "in all my 30 years in Congress, I never have known of such a campaign of villification, such a total disregard for truth, as has been indulged by some news columnists who live upon sensation and will create it when they cannot find it." He continued:

"I do not believe the freedom of the press has a greater champion than HAROLD D. COOLEY. But I have been astounded at the abuse of this freedom. I simply and humbly believe that this freedom carries with it a responsibility to make the truth, and only the truth, available to the American people.

"Much that was written and broadcast about the Sugar Bill bordered upon libel. There seemed to be a design, by indirection and covert suggestion, to slander and to bring into disrepute the Chairman of the House Committee on Agriculture and through him the whole legislative process.

"I do not know to what to attribute this, except that I dared to insist that the 535 Members of the Senate and House of the Congress of the United States—and not a handful of sub-officials in the Executive Department meeting behind closed doors—should set the sugar policy of the United States and assign and distribute the foreign quotas. I fought for an assertion of the responsibility of the Congress, and against the creation of a sugar czar, who would be beyond the control of Congress, in the Executive Department.

"I am receiving bitter letters from some people over the United States, who have been led to believe the Sugar Bill was written by a group of lobbyists who have been passing around 'payola.' I am telling these people they have been misled, that I have on several occasions by public statements tried to correct all the untruth that has been circulated, but that by and large the news media have not seen fit to distribute and print these true accounts.

"To those who want to know the truth, I am repeating this:

"The sensation-makers said the bill was drafted 'to suit the lobbyists.' I did not draft this bill. Open public hearings were held by the Committee on Agriculture, at the conclusion of which I appointed a special subcommittee, composed of four ranking democrats and four ranking republicans, to draw the first language of the bill. This special subcommittee, after many meetings, came to complete agreement. Then, at my request, separate caucuses of all the republicans and all the democrats on our 35-member Committee were arranged. The agreement of the special subcommittee was approved by each caucus.

"A new bill then was brought before our whole Committee. It was approved overwhelmingly, with only two of the 35 members voting against it.

"At no time did any lobbyist appear at a drafting session of our Committee.

"I am sure no committee chairman ever has taken greater precaution to see that a piece of legislation represented the judgment and will of the Members of a Committee, and not the consensus of pressure groups and lobbyists.

"Perhaps the greatest disservice done to our Committee and to American citizens, who depend on their daily newspapers for accurate information, was the repeated statement and implication by one writer that an allotment of 10 thousand tons of sugar to the Bahamas would cost taxpayers $1 million a year. It was said that a lobbyist for the Bahamas allocation appeared 'behind closed doors.' The truth is that an allocation of 10 thousand tons to the Bahamas will cost neither the taxpayer nor the consumer one red cent. The price of sugar in the United States is established in the Sugar Act, and the price is the same whether it comes from our own domestic industry, from Brazil, Australia or the Bahamas. And no lobbyist for the Bahamas ever appeared before an executive session of our Committee.

"The spokesman for the Bahamas allocation was an American citizen, an official of the Owens-Illinois Company. He appeared at an open session of our Committee. His testimony was printed in our record of the hearings. The bill finally and overwhelmingly approved by the Congress included the allocation to the Bahamas as provided by our Committee. If there had been anything questionable about this or any other allocation, the bill certainly could not have passed."

Mr. COOLEY concluded:

"The last few days and weeks have been trying times for those of us who had the responsibility of developing the sugar legislation. I was hurt and grievously disappointed and discouraged by the damage that can be done by the sensation-makers in the news media who have little respect for truthful reporting. But I am encouraged and I am proud that the Congress by such large votes in the House and Senate has approved essentially the bill drawn by our Committee, vanquishing the spreaders of untruth and reasserting the responsibility of the Congress in our system of checks and balances among the legislative, executive and judicial areas of our government."

Margaret Sanger

EXTENSION OF REMARKS

OF

HON. PAUL H. TODD, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 1966

Mr. TODD. Mr. Speaker, news of the death of Margaret Sanger sends our thoughts into the past—the American scene as it stood 80 years ago.

At the hands of her contemporaries Mrs. Sanger suffered the classic fate meted out to prophets. The populace rejected this Cassandra who preached the need for birth control. Few understood her Malthusian views. All were shocked at the thought that parents should, as their human right, be able to decide the number of children they would rear.

It is gratifying to know that Mrs. Sanger within her own life's span saw her work understood and implemented. Today science and technology are frantically at work on problems of agriculture, nutrition, and fertility.

We Americans are fortunate to be among the first to enjoy the benefits of Mrs. Sanger's work. We must do all we can to share this good fortune with our fellow humans at home and abroad.

SENATE

FRIDAY, SEPTEMBER 9, 1966

(Legislative day of Wednesday, September 7, 1966)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by Hon. ROSS BASS, a Senator from the State of Tennessee.

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

Almighty God, in whom we live and move and have our being, we humbly beseech Thee to direct us in all our doings, with Thy most gracious favor, and to further us with Thy continual help; that in all our works begun, continued, and ended in Thee we may glorify Thy holy name.

We thank Thee for the stirrings of discontent within us with things as they are, for visions of a glory still to transfigure the earth, for the hope of brotherhood and justice and abiding peace. Keep us true to our highest and to Thy challenge to our best.

O God our Father, draw us to Thee in sincerity and truth—

"Breathe on us, breath of God
Till we are wholly Thine;
Till all this earthly part of us
Glows with Thy fire divine.

"Breathe on us breath of God;
Fill us with life anew,
That we may love what Thou dost love
And do what Thou wouldst do."

We ask it in the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 9, 1966.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ROSS BASS, a Senator from the State of Tennessee, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

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

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Thursday, September 8, 1966, was approved.

MESSAGE FROM THE PRESIDENT

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

EXECUTIVE MESSAGE REFERRED

As in executive session,

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

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

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore announced that on today, September 9, 1966, the Vice President signed the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

S. 112. An act to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans by the Secretary of Agriculture on leasehold interests in Hawaii, and for other purposes;

S. 254. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Tualatin Federal reclamation project, Oregon, and for other purposes;

S. 1684. An act to direct the Secretary of the Interior to adjudicate a claim to certain land in Marengo County, Ala.;

S. 2366. An act to repeal certain provisions of the act of January 21, 1929 (45 Stat. 1001), as amended;

S. 2747. An act to authorize conclusion of an agreement with Mexico for joint measures for solution of the lower Rio Grande salinity problem;

S. 3354. An act to amend the law establishing the revolving fund for expert assistance loans to Indian tribes;

S. 3576. An act to amend section 2241 of title 28, United States Code, with respect to the jurisdiction and venue of applications for writs of habeas corpus by persons in custody under judgments and sentences of State courts;

H.R. 1066. An act to amend section 11-1701 of the District of Columbia Code to increase the retirement salaries of certain retired judges;

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

H.R. 10823. An act relating to credit life insurance and credit health and accident insurance with respect to student loans;

H.R. 11087. An act to amend the District of Columbia Income and Franchise Tax Act of 1947, as amended, and the District of Columbia Business Corporation Act, as amended, with respect to certain foreign corporations;

H.R. 14205. An act to declare the Old Georgetown Market a historic landmark and to require its preservation and continued use as a public market, and for other purposes;

H.R. 14379. An act for the relief of John R. McKinney;

H.R. 15750. An act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes; and

S.J. Res. 178. Joint resolution to delete the interest rate limitation on debentures issued to Federal intermediate credit banks.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 77) authorizing the printing of additional copies of hearings on supplemental foreign assistance for Vietnam for fiscal 1966.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 14929) to promote international trade in agricultural commodities, to combat hunger and malnutrition, to further economic development, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COOLEY, Mr. POAGE, Mr. GATHINGS, Mr. HAGEN of California, Mr. PURCELL, Mr. BELCHER, Mr. QUIE, and Mrs. MAY were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H.R. 14026) to provide for the more flexible regulation of maximum rates of interest or dividends payable by banks and certain other financial institutions on deposits or share accounts, to authorize higher reserve requirements on time deposits at member banks, to authorize open market operations in agency issues by the Federal Reserve banks, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2263) relating to the composition of the District of Columbia Court of General Sessions.

HOUSE BILL REFERRED

The bill (H.R. 14026) to provide for the more flexible regulation of maximum rates of interest or dividends payable by banks and certain other financial institutions on deposits or share accounts, to authorize higher reserve requirements on time deposits at member banks, to authorize open market operations in agency issues by the Federal Reserve banks, and for other purposes, was read twice by its title and referred to the Committee on Banking and Currency.

REPORT ON INTERNATIONAL EDUCATIONAL EXCHANGE

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Chairman, the Board of Foreign Scholarships, Department of State, Washington, D.C., transmitting, pursuant to law, a report on international educational exchange, which, with the accompanying report, was referred to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A proclamation by the Governor of the State of Tennessee, relating to "Stay-in-School Month" in Tennessee; to the Committee on the Judiciary.

A resolution adopted by the Board of Directors of the New York State NAACP, Newburgh, N.Y., relating to the equality of opportunity for all peoples; to the Committee on the Judiciary.

The petition of Ralph Boryszewski, Rochester, N.Y., praying for a redress of grievances; to the Committee on the Judiciary.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mrs. SMITH, from the Committee on Armed Services, without amendment:

H.R. 420. An act to amend title 10, United States Code, to authorize the commissioning of male persons in the Regular Army in the Army Nurse Corps, the Army Medical Specialist Corps, the Regular Navy in the Nurse Corps and the Regular Air Force with a view to designation as Air Force nurses and medical specialists, and for other purposes (Rept. No. 1596).

By Mr. BREWSTER, from the Committee on Armed Services, without amendment:

H.R. 11488. An act to authorize the grade of brigadier general in the Medical Service Corps of the Regular Army, and for other purposes (Rept. No. 1595).

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

H.R. 15005. An act to amend title 10, United States Code, to remove inequities in the active duty promotion opportunities of certain officers (Rept. No. 1597).

By Mr. SYMINGTON, from the Committee on Armed Services, with amendments:

H.R. 11979. An act to make permanent the Act of May 22, 1965, authorizing the payment of special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation, and for other purposes (Rept. No. 1594).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Carl Walske, of New Mexico, to be Chairman of the Military Liaison Committee to the Atomic Energy Commission.

BILLS INTRODUCED

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

By Mr. TYDINGS:

S. 3815. A bill to provide for the temporary transfer to a single district for coordinated or consolidated pretrial proceedings of civil actions pending in different districts which involve one or more common questions of fact, and for other purposes; to the Committee on the Judiciary.

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

By Mr. RIBICOFF:

S. 3816. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on Finance.

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

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

S. 3817. A bill to authorize the merger of two or more professional football leagues, and to protect football contests between secondary schools from professional football telecasts; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

S. 3818. A bill to amend the authorization for the Ouachita Basin project; to the Committee on Public Works.

By Mr. YARBOROUGH:

S. 3819. A bill to amend chapter 73 of title 10, United States Code, so as to provide for the continued payment of an annuity under such chapter to a spouse who remarries after age 60, and to permit the restoration of such an annuity to a spouse whose remarriage is dissolved before age 60 by death, annulment, or divorce; to the Committee on Armed Services.

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

By Mr. PROXMIRE:

S. 3820. A bill for the relief of Athanasia Argere; to the Committee on the Judiciary.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief morning hour for the transaction of routine morning business, with statements limited to 3 minutes, and that the unfinished business not be displaced.

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

THE PRESIDENT'S ECONOMIC MESSAGE A PRUDENT FISCAL POLICY

Mr. MANSFIELD. Mr. President, the economic program which the President presented to the Congress yesterday has one important distinguishing characteristic which should commend it to Members on both sides of the aisle—it is in all respects a prudent program.

The President's program is a carefully measured response to the economic problems of the day. It avoids both the danger of acting rashly and the opposite danger of doing nothing.

On the one hand, there are those who have advocated drastic action—slamming on the brakes hard through a massive tax increase. This the President has avoided. As his message points out, we do not yet know what the costs of Government will be in fiscal 1967. The Congress is obviously in the process of making big changes in the President's budget. But how much these changes will amount to no one knows. Many important authorization bills are still in committee. Eight appropriation bills remain to be acted on. The size of the Vietnam supplemental is still unknown—and speculation by newspaper columnists or individual Members of Congress is no substitute for hard numbers.

Facing these uncertainties it would surely have been imprudent for the President to request at this time an across-the-board tax increase to cover expenditures of unknown size. The increase might have been too much or too little. In the first case we would have courted the danger of driving the economy into a recession. In the second case the Congress would have been put in the position of voting on a general tax increase—and shortly thereafter having to sit down and go through the same painful procedure all over again. I know few of my colleagues who enjoy raising taxes once—much less twice.

On the other hand, there are those who have counseled inaction. They would have let the economy take its course. They would have watched investment race up to unsustainable levels and taken their chances on a later crash—rather than accept the unpleasant task of removing unneeded investment incentives. They would have let Federal expenditures grow unchecked, rather than grasp the nettle of expenditure control in the months before election. They would have let ever-higher interest rates and ever-tighter credit wreak their lopsided effects on homebuyers and small businessmen. They would have accepted all of this rather than face up courageously to what has to be done.

The President has not followed this tempting counsel of inaction. He has presented a pinpointed program of action—

Which will slow down the overheated investment boom, without jeopardizing our prosperity;

Which will reduce Federal expenditures, without indiscriminately slashing essential programs; and

Which will help ease the inequities of tight money without removing needed restraints.

He has avoided the extremes of both rash action and supine inaction. He has charted a precise and careful course.

I urge that we close ranks behind the program of prudence he has recommended.

NEW JUDICIAL MACHINERY TO DEAL WITH MULTIDISTRICT LITIGATION

Mr. TYDINGS. Mr. President, the culmination of the Government's criminal prosecution of the electrical equipment manufacturers in 1961 for violation of the Federal antitrust laws precipitated a flood of private damage actions against those defendants. In little more than 12 months' time close to 2,000 cases were filed in 35 judicial districts from coast to coast. The pretrial discovery problems created by this wave of cases placed an almost unmanageable burden on the Federal courts. If separate pretrial proceedings were to be conducted in each case, the same documentary evidence would have to be produced and examined, the same defendants would have to be deposed, and separate pretrial orders would have to be entered in each of the almost 2,000 cases. The competing and conflicting demands for documents, witnesses, and defendants to be in a host of different locations at the same time would alone have produced an intolerable situation, to say nothing of the delay, the cost, and the waste of judicial manpower that would have resulted. To let these cases proceed in the normal manner would have placed an undue and duplicative burden on the courts and the parties alike. It became clear that some device had to be established to deal with this problem.

In January 1962, in response to action by the Judicial Conference of the United States establishing a special subcommittee to deal with this problem, Chief Justice Earl Warren appointed the Coordinating Committee for Multiple Litigation of the U.S. District Courts. Though this panel of nine judges lacked statutory authority, through prestige and persuasion, and in the face of initial opposition, they were able to do an excellent job of coordinating and consolidating the pretrial discovery proceedings in the electrical equipment cases. Now, 4 years later, about two-thirds of the cases have been terminated.

As a result of their experience in successfully dealing with the problems of the electrical equipment cases, the members of the Coordinating Committee have recommended legislation that would establish judicial machinery to refine and regularize a system of consolidated pretrial proceedings for the more troublesome instances of multiple litigation. Today I introduce, for appropriate reference, a bill that is, in most respects, identical to the proposal of the Coordinating Committee.

The bill would authorize the Chief Justice to appoint a panel of nine judges which could transfer cases having a common issue of fact to a single district for the purposes of pretrial proceedings. When the pretrial stage of the litigation is completed, the cases would be remanded to the district courts where they were initially filed for any additional pretrial proceedings that were not necessary in the consolidated phase of the operation, and, finally, for trial.

The judicial time and effort that can be saved by this bill is considerable and, at a time when our Federal courts are

suffering from staggering caseloads, we should not pass by an opportunity to make a more efficient utilization of judicial resources. Furthermore, the consolidation of pretrial proceedings in multidistrict litigation promises to benefit litigants and witnesses as well as the courts. Evidentiary documents can be stored in a central location and important witnesses can be deposed only once or twice instead of an untold number of times, with the parties having the benefit of documents and testimony more quickly at much less cost and inconvenience than would be possible if each case were handled separately.

In the electrical equipment litigation, since there was no device for transferring the cases to a single district, all the judges involved had to collaborate constantly if they were to bring order out of chaos. At times as many as 30 judges had to gather together in order to decide how they would proceed and to make uniform or compatible pretrial orders. Mr. President, the incredible expense and waste of judicial manpower that such a procedure involves is obvious. The bill I introduce today is designed to obviate this inefficiency by establishing procedures that would allow, in appropriate instances, one or two judges in a single district to handle pretrial discovery for all of the related cases.

A thorough explanation of the steps taken to coordinate the electrical equipment cases appears in an article in the American Bar Journal by Phil C. Neal, dean of the University of Chicago Law School, and Mr. Perry Goldberg, who are, respectively, the executive secretary and administrative assistant to the Coordinating Committee for Multiple Litigation. I shall ask that the article be printed in the RECORD at the close of my remarks.

The successful conclusion of the electrical equipment cases will not conclude the problems of mass litigation, Mr. President. Currently there are several groups of cases, growing out of alleged violations of the antitrust laws, pending in numerous district courts across the United States. Cases alleging price-fixing in the sale of rock salt are pending in Federal courts in Pennsylvania, New Jersey, Massachusetts, Minnesota, Illinois, and Missouri. Similarly, cases involving alleged conspiracies in the sale of aluminum cable are pending in New York, Pennsylvania, Illinois, Colorado, California, and Kentucky. Charges of price-fixing in the sale of school bleachers are pending in Federal district courts from coast to coast, and in almost all of the nine districts within the ninth judicial circuit there are pending cases alleging unfair practices in the sale of steel and concrete pipe. Since, in each of these groups of cases common questions of fact must be determined, consolidation for pretrial discovery proceedings would be immeasurably beneficial.

Further, there is no reason to believe that multidistrict litigation will abate. In addition to antitrust and trade regulation problems, multiple torts growing out of common disasters such as plane crashes or train or bus accidents can result in nearly identical suits being instituted throughout a number of judicial districts.

Mr. President, I am not sure that the bill I am introducing today is the final answer to all the problems that may be produced by multidistrict litigation, but I am confident that it presents a workable framework within which the answer can be found, and that legislative hearings will bring to the surface any refinement that should be made in the bill.

I ask unanimous consent that the text of the bill be printed in the RECORD, following the ABA Journal article, and that the bill remain at the desk for 10 days for additional cosponsors.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie at the desk and the bill and article will be printed in the RECORD, as requested by the Senator from Maryland.

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

THE ELECTRICAL EQUIPMENT ANTITRUST CASES: NOVEL JUDICIAL ADMINISTRATION

(By Phil C. Neal and Perry Goldberg, executive secretary and administrative assistant to the Coordinating Committee for Multiple Litigation)

Since June, 1962, the federal judiciary has been conducting a unique program to coordinate discovery and other pretrial procedures in the well-known treble damage actions involving the electrical equipment industry. Much of the initiative and direction for this novel nationwide experiment in judicial administration has come from a committee of nine federal judges who developed and are carrying out the program. This article will describe the committee's organization and the operation of the experimental pretrial program.

In 1960 federal grand juries sitting in Philadelphia returned a series of antitrust indictments against manufacturers of electrical equipment and certain of their employees. The indictments charged violations of the Sherman Act consisting of conspiracies to fix prices and allocate business in twenty separate product lines of heavy electrical equipment with an annual aggregate volume of sales in excess of one and a half billion dollars.

With the exception of several individuals, all defendants entered pleas of guilty or *nolo contendere* and the prosecutions were terminated with judgments of convictions in February, 1961.[1] Civil damage suits by the Government, based on its purchases of electrical equipment, had been instituted with the criminal proceedings.[2] By the end of 1963 settlements had been made with many of the manufacturers named by the Government in these civil suits.

Because of the scope and magnitude of the commerce affected by the illegal conspiracies, the Government's success in the criminal cases produced an unprecedented number of private suits for treble damages based on Section 4 of the Clayton Act.[3] More than 1,800 actions were brought by purchasers against the convicted electrical equipment suppliers in the three years following the criminal convictions. As many of the cases were brought by multiple plaintiffs and contained claims in more than one product line, the number of distinct antitrust claims involved far exceeded the 1,800 separate suits.

TABLE 1.—*Antitrust cases commenced*

Fiscal year	Total	Government cases		Private cases	
		Civil	Criminal	Electrical equipment cases	Other
1958	325	33	22	----------	270
1959	315	23	42	----------	250
1960	315	60	27	----------	228
1961	441	[1] 42	21	37	341
1962	2,079	[1] 41	33	1,739	266
1963	457	[1] 52	25	97	283

[1] Includes 4 U.S. electrical equipment industry cases filed in 1961, 2 in 1962, and 3 in 1963.

Source: Administrative Office of the U.S. Courts, Annual Report of the Director (1963), table N at p. II-19.

Table No. 1 (above) shows the magnitude of this flood of litigation in relation to the normal load of antitrust cases in the federal district courts.

The private electrical equipment cases were brought by a variety of plaintiffs. Some were the so-called investor-owned utility companies, *i.e.*, private utility companies engaged in generating and distributing electricity. Others were municipally-owned utilities, and a third large group were Rural Electrification Administration co-operatives. A relatively small number of suits were filed by other types of utilities, industrial consumers and foreign purchasers of electrical equipment.

The private antitrust suits covered nineteen of the twenty product lines which had been included in the criminal indictments. Treble damage actions were also brought in several lines of electricl equipment not involved in the indictments. In addition, a few suits charged that the product line conspiracies were part of a general industry-wide conspiracy. Table No. 2 indicates the number of suits in each of the major product lines, while Table No. 3 reveals the distribution of the cases by districts.[4]

TABLE NO. 2.—*Number of electrical cases in selected product lines*

Product line	*Cases*
Distribution transformers	191
Power transformers	158
Power switchgear assemblies	151
Meters	144
Circuit breakers	140
Steam turbine-generator units	125
Power switching equipment	110
Instrument transformers	101
Insulators	96
Lightning arresters	92
Condensers	92
Power capacitors	85
Open fuse cutouts	65
Industrial controls equipment	60
Network transformers	51
Low-volt distribution equipment	50
Isolated phase bus	40
Low-volt circuit breakers	39
Bushings	24
Hydrogenerators	19
Other suits and unaccounted	47
Total	1,880

[1] The alleged price-fixing conspiracies were the subject of hearings by the Senate's Subcommittee on Antitrust and Monopoly. See, *Hearings Before the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, United States Senate,* 87th Cong., 1st Sess., pts. 27 and 28 (1961).

[2] In addition, the Tennessee Valley Authority instituted suits based on its purchases.

[3] "Any person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws may sue therefor in any district court of the United States in the district in which the defendant resides or is found or has an agent without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee." Clayton Act § 4, 15 U.S.C. § 15.

[4] Tables No. 2 and 3 are derived from information in the Co-ordinating Committee's files and Table 0 at page II-20 of the 1963 *Annual Report of the Director of the Administrative Office of the United States Courts.*

TABLE No. 3—*Number of electrical cases by districts*

District	*Cases*
District of Columbia	47
District of Massachusetts	22
Southern district of New York	427
District of New Jersey	21
Eastern district of Pennsylvania	182
Eastern and western districts of South Carolina	7
Middle and southern districts of Florida	49
Eastern and western districts of Louisiana	9
Northern district of Texas	2
Southern district of Texas	72
Western district of Texas	73
Eastern and western districts of Kentucky	37
Northern district of Ohio	58
Southern district of Ohio	20
Middle district of Tennessee	16
Western district of Tennessee	62
Eastern district of Wisconsin	2
Northern district of Illinois	226
Southern district of Iowa	4
Eastern district of Missouri	34
Western district of Missouri	73
District of Nebraska	10
District of Arizona	31
Northern district of California	21
Southern district of California	128
District of Oregon	1
Western district of Washington	141
District of Colorado	40
District of Kansas	23
District of New Mexico	28
District of Utah	14
Total	1,880

The only other group of private antitrust cases comparable in magnitude to the electrical equipment litigation were the motion picture cases. The total number of those cases cannot be ascertained accurately, but it may be estimated that between 700 and 1,000 were filed during the period 1946–1959.[5] Statistics are available for the years 1951–1959, as shown in Table No. 4:

TABLE No. 4.—*Number of movie cases started*

Calendar year:	
1951	55
1952	86
1953	66
1954	38
1955	42
1956	30
1957	33
1958	12
1959	19
Total	381

Source: Film Daily Year Book, 1960.

Thus, the motion picture cases were fewer, aggregating one-third to one-half the number of electrical equipment suits, and they were filed comparatively evenly over a longer period of time, producing a much smaller load on the courts.

CREATION AND ORGANIZATION OF THE CO-ORDINATING COMMITTEE

The avalanche of over 1,800 complex, protracted cases filed in thirty-five districts presented a serious challenge to the capacity of the federal courts. It seemed apparent that if each were processed in the ordinary manner as an independent lawsuit, their combined impact might seriously disrupt the progress of the normal business of the district courts.

Moreover, there were only limited possibilities of simplifying the handling of the litigation by such devices as assignment of related cases to the same judge, consolidation or interdistrict transfer of the cases.[6]

To a substantial number of the judges responsible for the cases, the situation appeared to call for exploration of extraordinary measures to minimize duplication of judicial effort. Much of the evidence to be discovered in any given case would also be the object of discovery in many other cases. The specter of confusion and conflict in the discovery process, with hundreds of parties all over the country seeking simultaneously to take the deposition of the same witnesess or to obtain production of the same documents, was alarming.

Not only the efficient administration of the business of the district courts but also the interests of the parties themselves suggested the desirability of some co-operation in the handling of the cases in the pretrial stages.

In response largely to the problems suggested by the pending mass of electrical equipment litigation, the Judicial Conference of the United States at its meeting in September, 1961, voted to create a special subcommittee of its standing Committee on Pre-Trial Procedures and Practices. The new subcommittee was to be charged with "considering discovery problems arising in multiple litigation with common witnesses and exhibits".[7] Thus, in creating the subcommittee the Judicial Conference indicated its belief that the problems of multiple related cases might extend beyond the immediate pressures of the electrical equipment cases and that the general problem merited sustained attention from the conference.

The new subcommittee, which has come to be known as the Co-ordinating Committee for Multiple Litigation of the United States District Courts, was appointed by Chief Justice Warren in January, 1962. Chief Judge Alfred P. Murrah of the Court of Appeals for the Tenth Circuit, the chairman of the Conference's Committee on Pre-Trial Procedures and Practices, became chairman of the new Coordinating Committee. The other members of the committee are eight district court judges: Sylvester J. Ryan (C.J., S.D. N.Y.), Thomas J. Clary (C.J., E.D. Pa.), Roszel C. Thomsen (C.J., D. Md.), Joe E. Estes (C.J., N.D. Tex.), William M. Byrne (J., S.D. Cal.), George H. Boldt (J., W.D. Wash.), Edwin A. Robson (J., N.D. Ill.) and William H. Becker (J., W.D. Mo.).

The committee held its first meeting the following month in Philadelphia. After hearing reports on the volume and progress of the electrical equipment cases, it decided to direct its initial efforts toward developing a program for co-ordinating the pretrial stages of the cases. It identified three kinds of measures it might undertake: (1) devise means to facilitate communication among the judges before whom the litigation was pending; (2) recommend that each of the courts assume control of pretrial matters in the cases pending before it, as suggested by the *Handbook of Procedures for the Trial of Protracted Cases*[8] and (3) develop suggested uniform pretrial procedures designed to avoid repetitious and overlapping discovery.

The absence of a provision in the statutes or rules to require a co-ordinated program was recognized at the outset, and it was agreed that all action should be directed toward obtaining the voluntary co-operation of the judges concerned. To this end the committee invited all the judges before whom electrical equipment cases were pending to a meeting held in Philadelphia on March 22, 1962. Many of the twenty-five district judges who attended were frankly skeptical that a program of co-ordination could be carried out successfully. Nevertheless, the group encouraged the Co-ordinating Committee to make the attempt by adopting the following resolution:

"Resolved, That a committee composed of the present members of the subcommittee, and such others as may be desired, be appointed by the chair to suggest ways and means of handling the electrical antitrust cases, from discovery through pretrial, and that it be the sense of this meeting that a plan for co-ordinating discovery procedure and expediting rulings on key legal questions, as well as a means for disseminating information, be devised and submitted to the trial judges involved at the earliest practicable time; and that in the meantime, procedures leading toward the securing of information needed for ultimate disposition of the litigation be followed, as nearly as practicable, by each individual judge."

This action by the judges individually responsible for the electrical cases laid the foundation for the program which was developed. Since that meeting the Co-ordinating Committee has functioned in part as a kind of executive committee for the judges assigned to the electrical equipment cases.

The judges from the thirty-five districts in which suits were filed have continued to meet periodically to exchange information about the progress of the cases in their respective districts and to discuss common problems with each other and with the members of the Co-ordinating Committee.

INITIAL STEPS IN COORDINATION

At meetings of the Co-ordinating Committee in Norfolk, Virginia, in April, 1962, and in Chicago the following June, the initial stages of a program were agreed on. Recommendations to the district judges following these meetings set the program in motion. The first important step taken was the entry in practically all the pending cases of pretrial orders conforming generally to a set of seven pretrial orders recommended by the Coordinating Committee. These were based on orders which had already been entered by Chief Judge Sylvester J. Ryan in the cases pending in the Southern District of New York.

This initial set of pretrial orders, corresponding to the orders now identified as National Pretrial Orders Nos. 1 to 7, accomplished several important objectives.[9]

First, they secured control of discovery in the district courts. Interrogatories previously served by any party were vacated; depositions previously noticed were stayed; all further interrogatories and depositions were made subject to further orders of the court. General acceptance of the principle of court-controlled discovery was essential if the courts were to have an opportunity to co-ordinate discovery procedures.

Second, these initial pretrial orders initiated the co-ordinated discovery. They prescribed two important sets of uniform interrogatories appropriate for all cases. One set was to be answered by plaintiffs and the other by defendants. From the plaintiffs these interrogatories called for "purchase identification data", intended to provide the defendants with full information about the

[5] On the movie litigation, see CONANT, ANTITRUST IN THE MOTION PICTURE LITIGATION 178–199 (1960).

[6] Consolidation in each district of all claims in a product line would still have left more than 400 cases pending. This procedure would generally have complicated the remaining suits by increasing the number of plaintiffs involved in each case. In certain instances several hundred plaintiffs with varying interests would have been joined in a single suit.

[7] Letter of Chief Justice Warren, January 26, 1962, to Judge Edwin A. Robson.

[8] 25 F.R.D. 351 (1960), adopted by the Judicial Conference of the United States, March, 1960.

[9] These and many of the subsequent national pretrial orders that have been recommended by the committee for entry in the electrical cases are reported in 2 BENDER'S FEDERAL PRACTICE FORMS, 440.35 *et seq.*

transactions as to which the plaintiffs claimed damages. From the defendants the interrogatories sought comprehensive information about meetings and communications among competitors, the personnel of the defendants who had been involved in such activities and the pricing practices of each defendant.

Third, early determination of certain issues of law affecting large numbers of cases was encouraged by setting up a schedule for filing and hearing motions raising objections to the complaints.

Fourth, the initial pretrial orders provided a formal basis on which cases might, by consent of the parties, be placed in an inactive status without risk of later disrupting the co-ordinated pretrial proceedings. Shortly many of the pending cases were placed in this stand-by category.

Much of the later success of the coordination program was due to the fact that the first group of recommended pretrial orders came before proceedings were well advanced in most districts and appealed to almost all the judges as a desirable foundation for further pretrial steps. The procedure generally followed was for the judge in each district to direct the parties in all the cases before him to show cause why an order in the recommended form should not be entered. The individual hearings on these orders produced objections to some of the provisions and led to variations in the details of the orders, but the pattern of conformity was sufficient to accomplish the committee's objectives.

NATIONAL PRETRAIL HEARINGS AND ORDERS

As judges and counsel gained experience in the program, improved procedures were developed for formulating proposed orders and for considering objections in advance of the committee's recommendations. One interesting device which has emerged and has been used frequently in later stages of the program is the national pretrial hearing. The hearings have usually been held following meetings of the Co-ordinating Committee or of all the judges assigned to electrical cases, and they have generally been attended by large numbers of lawyers for plaintiffs and defendants.

At the hearings representative counsel from each side present to a group of judges their comments on and objections to steps proposed by the committee. The judges then confer and announce tentative conclusions, after which the counsel present are afforded a further opportunity to make suggestions, objections and argument. Often the judges' recommendations have been stated in general terms and counsel have then been requested to meet with a smaller group of the judges to draft the specific terms of the suggested order. When the proposed order is in a form approved by the committee, it is circulated to all the districts in which electrical equipment cases are pending with the recommendation that it be considered for entry in all cases.

Appropriate local proceedings are then held to consider additional objections of the parties and to enter an order the individual judge deems proper. Only the local proceedings are normally part of the official record of a case, although occasionally transcripts of national hearings have been incorporated by reference into the local record on request of the parties or at the initiative of the judge.

By March, 1964, thirty-seven national pretrial orders had been recommended by the Co-ordinating Committee. A substantial portion of these, however, related only to certain so-called priority product lines to which the committee decided to give preferential treatment after a certain point in the pretrial proceedings had been reached, as will be explained below.

STAFF SUPPORT FOR THE COMMITTEE

The committee recognized at the outset that the execution of a program would require administrative assistance beyond that available to each of the various district courts handling the electrical cases. A vital early step taken was to establish a special information center to collect information concerning the status of all the pending cases, report regularly to the judges on the developments in the cases, assist in the scheduling of and preparation for meetings of the committee and disseminate the committee's reports. This center was centrally located in the Northern District of Illinois. Its office there, adjoining the chambers of Judge Edwin A. Robson, serves as a headquarters for the Co-ordinating Committee's day-to-day operation.

The committee's full-time staff now consists of an administrative assistant, a research attorney, a secretary, two stenographers and a docket clerk, who operate under Judge Robson's direction and in consultation with the Executive Secretary. The work of the office includes publication of the committee's own loose-leaf service for the district judges presiding over electrical equipment cases. This publication, which now consists of three large volumes (a fourth will be added shortly), provides an up-to-date set of the national pretrial orders, periodic bulletins reporting the committee's action and other developments, statistical tables, a digest of rulings in the cases, and a daily summary of the first trial in the electrical litigation.[10]

NATIONAL DEPOSITIONS

Early in the discussions of the committee some members urged the view that a central part of any program should be an effort to eliminate repetitive depositions and conflicting demands for the presence of key witnesses. The suggestion made was that the committee should ascertain the names of key witnesses likely to be important in most cases and arrange for them to be examined in joint depositions participated in by all interested parties. It was also suggested that depositions of this kind should be presided over by a judge because of the wide effects of a single deposition and the need for prompt, decisive rulings on matters of privilege and relevance to insure maximum effectiveness of the examination.

A subcommittee was appointed to consider the problems involved and it invited suggestions from counsel. At a meeting in August of 1962 of all the judges presiding over electrical equipment cases, it was agreed to press forward with the effort to arrange a national deposition program. Meanwhile, depositions in individual cases would be stayed until the possibilities had been fully explored.

Immediately the subcommittee held a joint meeting with a large group of counsel on both sides of the litigation. There was general agreement to co-operate, and from the meeting emerged the broad outlines of an experimental deposition program. The plan was that plaintiffs should have the right to select the witnesses to give depositions in the initial round. The subcommittee stipulated that each plaintiff desiring to examine a witness should have the opportunity to do so, either by participating on a committee responsible for the examination in chief or by supplemental examination.

The proposal obviously depended in considerable part on the ability of counsel, particularly on the plaintiffs' side, to organize themselves for effective co-operation. This condition was realized at a meeting of approximately eighty attorneys representing plaintiffs held in Chicago early in September, 1962. Agreement was reached on the names of twelve witnesses, present or former officers or employees of the defendants, who would be examined first. These witnesses were expected to provide information relating to four important product lines involved in the suits. In addition, the plaintiff's counsel present at this meeting agreed to delegate to a steering committee named by them the task of proposing detailed ground rules for the examination, arranging a schedule of dates and places and working out other problems of the deposition program.

From this point on the entire coordination program was greatly aided by the existence of this committee.[11] Besides bringing together the various ideas of plaintiffs' counsel and presenting a generally unified viewpoint to the judges, the plaintiffs' steering committee has managed important mechanical details of the program, such as the printing, filing and distribution of the voluminous transcripts of the plaintiffs' national depositions. The defendants' counsel have cooperated at least as well, but because of the much smaller number of parties involved the same problems of organization have not been encountered.

The national deposition program was launched by the entry of National Pretrial Order No. 8 in September, 1962. Senior Judge William H. Kirkpatrick (E.D. Pa.) presided at the first deposition which began October 1, 1962. Although more than 150 lawyers were present, no serious difficulties were encountered in completing the examinations in an orderly manner. For the most part interrogation was left to lead counsel selected in advance by the respective litigating groups. Prompt rulings on several important questions of privilege and on other matters were made possible by the presence of a judge, as presiding officer at the deposition, thus obviating delays which might otherwise have occurred. By early December the twelve initial witnesses had been examined.

The theory of national depositions was that each deposition would be available for use in accordance with Rule 26(d) of the Federal Rules of Civil Procedure by or against any party to any of the pending electrical equipment cases who had been present or represented at the taking of the deposition, or who had notice as provided by the pretrial order scheduling the depositions. Since National Pretrial Order No. 8 (and subsequent orders scheduling later rounds of depositions) was entered in most, if not all, the actions pending throughout the country, the potential utility of each deposition was wide.

To minimize the burden of attendance at depositions a protective provision was included in the orders. This required adjournment of each deposition at the conclusion of the initial examination and allowed all parties, whether present at the deposition or not, a period of thirty days to request further interrogation of the witness. Thus, an attorney who considered that his case was not

[10] *Philadelphia Electric Company* v. *Westinghouse Electric Corporation*, Civil Action No. 30015 (E.D. Pa., 1961).

[11] Charles A. Bane of the Chicago Bar was designated chairman of the steering committee which, in addition, consisted of Joseph L. Alioto, San Francisco; Robert W. Bergstrom, Chicago; Walter M. Clark, St. Louis; Thomas C. McConnell, Chicago; Northcutt Ely, Washington, D.C.; William H. Ferguson, Seattle; Harold H. Fisher, Newark; Milton Handler, New York; Harold E. Kohn, Philadelphia; Horace R. Lamb, New York; Marcas Mattson, Los Angeles; Brice W. Rhyne, Washington, D.C.; Robert E. Sher, Washington, D.C.; Seymour F. Simon, Chicago; Gilmore Tillman, Los Angeles; and Bethuel M. Webster, New York.

closely related to the matters on which a particular witness would probably testify could be absent from the deposition without losing the opportunity to protect his client's interest. He could elect to wait until the transcript of the deposition was received and then ask to reopen the examination. This privilege has been used in connection with a number of the depositions already held.

NATIONAL DOCUMENT PRODUCTION

The beginning of national depositions brought the national program face to face with the logistical problem of handling masses of documents. To prepare for the initial round of depositions, plaintiffs required access to pertinent records of the defendants. Pretrial Order No. 8, scheduling the initial twelve depositions, was immediately followed by another pretrial order, No. 9, which required the defendants to produce documents in eleven broad categories. These included, for example, "the personal and company copy of each expense account, travel voucher, and supporting documents covering the period from January 1, 1948, through April 1, 1961" and "each diary, appointment note, appointment book, calendar pad, letter book and telephone call memorandum" for each of the seventy-four named individuals. Similiar document production orders accompanied each of the later rounds of depositions. Information about large quantities of documents was required by the initial and later sets of written interrogatories, and the production of documents identified by the interrogatory answers was required by separate document production motions granted under Rule 34.

One of the principal problems of document production was finding a method of making this mass of information available quickly and conveniently to the many counsel who would be involved in preparation for depositions and in charting subsequent pretrial steps. The Co-ordinating Committee's suggested solution was the creation of a central document depository, with (perhaps) duplicate depositories in strategically located subcenters. Again, the co-operation of the parties made the suggested solution feasible, with the initial burden falling on the defendants.

The defendants accepted responsibility for setting up and maintaining a central depository for the documents which they were required to produce. Accordingly, Pretrial Order No. 9, which was entered late in September, 1962, directed that all defendants' documents be produced at a document depository, which was established at Chicago. The order provided that the depository should be maintained at the expense of the defendants and should be under their supervision and control, but that counsel for any plaintiff in one of the electrical equipment cases should have reasonable access to all the documents and should be entitled at his own expense to obtain a copy of any document.

The order creating the document depository contemplated that additional facilities might be established at three other locations to make documents conveniently accessible to parties distant from Chicago. It made provision for the filing of copies of documents in the other centers on request of plaintiffs. As Chicago is only a few hours away from any district involved, a demand for auxiliary depositories has not developed and they have not been established.

The defendants' depository in Chicago maintains facilities for the examination of documents by counsel and also has duplicating equipment on the premises. A document log digest is maintained at the depository to aid in determining the extent of compliance with production orders and in locating desired documents. As of March, 1964, approximately one million documents had been deposited in the defendants' depository.

SUBSEQUENT STAGES OF THE NATIONAL DISCOVERY PROGRAM

Encouraged by the success of the experimental initial round of plaintiffs' national depositions, the Co-ordinating Committee recommended that the program be expanded to cover all pretrial discovery into matters of national interest. At a third meeting of all the judges, held in February, 1963, this recommendation was unanimously approved. A second round of plaintiffs' national depositions was scheduled. Forty witnesses gave depositions over a period of four and a half months. The depositions concentrated on seven principal product lines in which suits had been brought.

Looking ahead, the committee determined to work toward a comprehensive plan and schedule for completing all national pretrial steps in the cases. To provide the information required before a definitive blueprint could be developed, the parties were requested to file memoranda and schedules indicating the issues they expected the cases to present and the discovery needed to complete trial preparation.

The large number and diverse natures of the cases made it clear from the beginning that it would be impossible to try any substantial number of them simultaneously. To permit completion of trial preparation in some cases and thus stagger the times at which cases would come to trial, it was concluded that national discovery should next be focused on limited groups of the cases. Suits in three product lines, steam turbine-generators, hydrogenerators and power transformers, were selected for priority in discovey and a schedule for national discovery requests in these lines was entered. In addition, three suggested forms of orders for local pretrial preparation were circulated to the judges for possible use in cases scheduled for early trial. These orders were modeled on certain forms in the *Handbook of Procedures for the Trial of Protracted Cases* that were designed to delineate the real issues in advance of trial and to insure that all steps were taken to reduce the length of trials.

The plaintiffs' third round of national depositions involved nineteen deponents and were taken in two and a half months. The plaintiffs' discovery in the priority lines was supplemented by further document production, answers to approved written interrogatories and processing of requests for admissions. These procedures substantially completed the plaintiff's national discovery program in the three priority lines. Further depositions by the plaintiffs on a national basis were deferred to enable other parts of the national pretrial program in the first priority lines to go forward.

At the conclusion of the plaintiffs' third round of national depositions, seventy-five witnesses had been examined and the depositions that had been filed in each district in which cases were pending ran approximately 25,000 pages of printed transcript. Depositions had been taken in six cities and twelve federal district judges had taken part in the program as deposition judges.[12] All discovery needs not satisfied by the national program were left for processing in the local districts.

[12] For the most part the plaintiff's depositions were concentrated in New York, Philadelphia and Chicago. However, the following judges from nine districts presided over these initial examinations: Sylvester J. Ryan (C.J., S.D. N.Y.), Wilfred Feinberg (J., S.D. N.Y.), Thomas J. Clary (C.J., E.D. Pa.), William H. Kirkpatrick (S.J., E.D. Pa.), Joseph S. Lord III (J., E.D. Pa.), Joe E. Estes (C.J., N.D. Tex.), Adrian A. Spears (C.J., W.D. Tex.), Ben C. Green (J., N.D. Ohio), Edwin A. Robson (J., N.D. Ill.), William H. Becker (J., W.D. Mo.), George H. Boldt (J., W.D. Wash.) and Arthur J. Stanley, Jr. (C.J., D. Kan.)

The defendants' discovery prior to November, 1963, had consisted solely of answers to a set of interrogatories which identified the transactions in suit. To enable the defendants to prepare a schedule of deponents in the three priority product lines, the plaintiffs were required to provide quick answers to interrogatories designed to disclose the names of possible deponents and to produce documents indicating the areas of their employees' responsibilties. The plaintiffs agreed to establish a national depository in New York similar to the defendants' depository in Chicago. By March, 1964, approximately 200,000 documents had been placed in that depository.

On the basis of information disclosed by these preliminary interrogatories, a series of defendants' national depositions in the first priority product lines was scheduled. To shorten the time required to examine the 150 or so witnesses proposed by the defendants, it was decided to schedule several simultaneous sets of depositions. The defendants' counsel organized six separate teams of examining counsel, and the depositions were all taken during the period from November, 1963, to March, 1964.[13] Approximately 15,000 pages of deposition testimony were printed and filed in all districts. These depositions concentrated largely on developing facts to rebut the plaintiffs' assertions that the alleged conspiracies had been concealed and in gathering a general picture of the economics and practices of purchasing electrical equipment to meet the issue of injury as a result of the alleged collusion.

DECISIONS ON COMMON QUESTIONS OF LAW

The early resolution of some important issues of law common to many or most of the cases was a practical necessity for shaping the national program. As has been noted, an early step taken by the Co-ordinating Committee was to encourage all the districts to accelerate the filing and determination of motions likely to raise such questions. Three areas of the law have received a great deal of attention during the early stages of the litigation: (1) the statute of limitations,[14] (2) the availability of grand jury minutes for use in private litigation[15]

[13] The defendants' national depositions were concentrated in New York, Washington, D.C., and Chicago. Twenty judges from eighteen districts presided during the two rounds of depositions, which were primarily concerned with the three priority product lines: John J. Sirica (J., D.D.C.), Andrew A. Caffrey (J., D. Mass.), Sylvester J. Ryan (C.J., S.D. N.Y.), Wilfred Feinberg (J., S.D. N.Y.), William H. Kirkpatrick (S.J., E.D. Pa.), Joseph S. Lord III (J., E.D. Pa.), William A. McRae, Jr. (J., M.D. Fla.), Joe E. Estes (C.J., N.D. Tex.), Adrian A. Spears (C.J., W.D. Tex.), Ben C. Green (J., N.D. Ohio), Bailey Brown (J., W.D. Tenn.), Edwin A. Robson (J., N.D. Ill.), John K. Regan (J., E.D. Mo.), William H. Becker (J., W.D. Mo.), Richard E. Robinson (C.J., D. Neb.), Alfonso J. Zirpoli (J. N.D. Cal.), George H. Boldt (J., W.D. Wash.), Alfred A. Arraj (C.J., D. Colo.), Arthur J. Stanley, Jr. (C.J., D. Kan.) and A. Sherman Christensen (J., D. Utah.).

[14] Clayton Act § 4(b), 15 U.S.C. § 15b.

[15] FED. R. CRIM. P. 6(e), 28 U.S.C., provides in part: "Disclosure of matters occurring before the grand jury other than its deliberations and the vote of any juror may be made to the attorneys for the government for use in the performance of their duties. Otherwise, a juror, attorney, interpreter or stenographer may disclose matters occurring before the grand jury only when so directed by the court preliminarily to or in connection with a judicial proceeding. . . . No obligation of secrecy may be imposed upon any person except in accordance with this rule. . . ."

and (3) the rights of third parties to intervene in the cases. A fourth issue, the defense of "passing on", has been ruled on by four district courts and is at present under consideration by several others.

Appellate decisions have been rendered on a number of these questions. In four instances a district court ruling resulted in a final judgment or partial final judgment which was reviewed on appeal. The courts of appeals have also accepted for decision thirteen rulings certified by district judges under 28 U.S.C. § 1292(b) as involving controlling questions whose immediate determination on appeal might materially advance the ultimate termination of the litigation. In addition, four appellate rulings have resulted from application to the courts of appeals for mandamus or other extraordinary relief. Justice Harlan denied an application to stay the release of a national deponent's grand jury testimony, and the Supreme Court has denied nine petitions for certiorari in electrical equipment cases.

The effect of alleged fraudulent concealment of the conspiracies on the statute of limitations was presented for decision in ten district courts. The broad legal question was whether the statute would be tolled during any period in which it could be shown that the alleged conspiracies were "fraudulently concealed." Three courts which answered in the negative were impressed with the explicit language of the statute, which provides that private actions "shall be forever barred unless commenced within four years after the cause of action occurred".[16] On the other hand, seven district courts were of the view that the federal doctrine of "fraudulent concealment" is read into every federal statute of limitations in accordance with the language of *Bailey* v. *Glover,* 88 U.S. 342 (1874) and *Holmberg* v. *Albrecht,* 327 U.S. 392 (1946).[17] The courts of appeals which have ruled to date have uniformly supported the latter position and the Supreme Court has denied certiorari in each of the instances in which petitions have been presented.

In seven of the first-round depositions the plaintiffs requested deposition judges to release transcripts of the deponents' prior testimony before grand juries. Chief Judge Thomas J. Clary of Philadelphia, acting as a judge of the district in which the grand juries had been impaneled, outlined and approved a procedure which permitted deposition judges to release the deponents' testimony without further formal order of that court.[18] The procedure followed that suggested in *Pittsburgh Plate Glass Company* v. *United States,* 360 U.S. 395 (1959), and called for *in camera* examination of the grand jury transcript by the deposition judge, with release allowed in his discretion when *"in the interest of justice there is a compelling need for disclosure".*

Motions for release were denied by deposition judges in connection with three of the first-round depositions[19] and approved in four.[20] The orders of release were sustained on appeals to the Courts of Appeals for the Second, Third, Fifth and Seventh Circuits. A stay pending certiorari was denied by Justice Harlan from the decision in the Second Circuit.[21]

State regulatory bodies have sought to intervene in the cases as representatives of the general public. This has been denied on the ground that the causes of action extended only to those proximately injured by the alleged conspiracies and that the public must seek its redress, if any is available, by changes in the rates for electricity.[22] A similar motion to intervene by a taxpayer on behalf of public consumers was also denied[23] and a stockholder of an investor-owned utility was refused the right to intervene in the suits brought by the utility.[24]

The "passing on" problem has been considered by four district courts[25] and is now under consideration in several others. The question presented is whether alleged overcharges which were passed on by the purchaser to his customers are recoverable in suits by the purchaser. The four district courts ruling on this question have held the defense of "passing on" inapplicable to the electrical cases, although their decisions would seem to be based on different theories.[26]

It may be appropriate to emphasize that the Co-ordinating Committee's efforts in the electrical cases have been exclusively directed toward achieving benefits from uniform procedures and co-ordinated action under the existing Federal Rules of Civil Procedure. The future work of the committee is under study. Undoubtedly, it will consist in part of continuing efforts to resolve problems presented by the electrical cases. To this end a comprehensive pretrial order, No. 37, has been prepared: it schedules and outlines national discovery in three additional product lines. The order is based on previous national pretrial orders and combines in one document the discovery tools and procedures which proved most useful during earlier stages of the program. If national discovery in the remaining product lines proves necessary, this order presents a form which can be applied to an expanded program.

The March, 1964, meeting of the Judicial Conference of the United States adopted a resolution authorizing the Co-ordinating Committee to explore the need arisng from multiple litigation situations for amendment of the Rules of Civil Procedure and statutes.[27] The conference's resolution recognizes the broad scope of the committee's concern with problems of these cases and suggests that the technique of co-ordination as exemplified by the electrical cases may be merely one of a number of possible methods for handling multiple litigation. A study program is now being undertaken by the committee, from which it is hoped concrete proposals will be developed.

The bill (S. 3815) to provide for the temporary transfer to a single district for coordinated or consolidated pretrial proceedings of civil actions pending in

[16] *Public Service Company of New Mexico* v. *General Electric Company,* oral opinion (D. N. Mex., July 25, 1962), *rev'd,* 315 F. 2d 306 (10th Cir. 1963), *cert. denied,* 374 U. S. 809 (1963); *City of Kansas City* v. *Federal Pacific Electric Company,* 210 F. Supp. 545 (W.D. Mo., 1962), *rev'd,* 310 F. 2d 271 (8th Cir. 1963), *cert. denied,* 371 U.S. 912 (1963), *cert. denied,* 373 U.S. 914 (1963); and *Brigham City Corporation* v. *General Electric Company,* 210 F. Supp. 574 (D. Utah, 1962), *rev'd,* 315 F. 2d 306 (10th Cir., 1963), *cert. denied,* 374 U.S. 809 (1963).

[17] *Atlantic City Electric Company* v. *General Electric Company,* 207 F. Supp. 613 (S.D. N.Y, 1962), 312 F. 2d 236 (2d Cir., 1962), *cert. denied,* 373 U.S. 909 (1963); *United States* v. *General Electric Company,* 209 F. Supp. 197, leave to appeal denied (3d Cir., September 21, 1962); *Commonwealth Edison Company* v. *Allis-Chalmers Manufacturing Company,* 210 F. Supp. 557 (N. D. Ill., 1962), 315 F. 2d 558 (7th Cir., 1963); *Public Service Company of Colorado* v. *Allen-Bradley Company,* unreported written opinion (D. Colo., September 11, 1962), 315 F. 2d 306 (10th Cir., 1963), *cert. denied,* 374 U. S. 809 (1963); *City of San Antonio* v. *General Electric Company,* oral opinion (W.D. Tex., November 20, 1962), leave to appeal granted (5th Cir., January 11, 1963); *Department of Water and Power of the City of Los Angeles* v. *Allis-Chalmers Manufacturing Company,* 213 F. Supp. 341 (S.D. Cal. 1963), 329 F. 2d 825 (9th Cir. 1964); and *City of Burlington, Vermont,* v. *Westinghouse Electrict Corporation,* 215 F. Supp. 497 (D.D.C., 1963) 326 F. 2d 691 (D.C. Cir., 1964).

[18] *City of Philadelphia* v. *Westinghouse Electric Corporation,* 210 F. Supp. 486 (E.D. Pa., 1962), *appeal dismissed* (3d Cir., February 21, 1963).

[19] *Ibid.; National Deposition of W. G. Lewis,* oral opinion (E.D. Pa., 1962) and *National Deposition of C. E. Burke,* oral opinion (E.D. Pa., 1962).

[20] *In the Matter of the National Deposition of John T. Peters,* unreported (S.D. N.Y., 1962), leave to appeal and petition for writ of mandamus denied, sub nom, *Atlantic City Electric Company* v. *A. B. Chance Company,* 313 F. 2d 431 (2d Cir. 1963); In the Matter of the National Deposition of Brenan R. Sellers, 32 F.R.D. 473 (N.D. Ill., 1962), leave to appeal and petition for writs of mandamus and prohibition denied (7th Cir., 1963); In the Matter of the National Deposition of Donald J. Nairn, unreported (E.D. Pa., 1962), leave to appeal and petitions for writs of mandamus and prohibition denied, sub nom. *Nairn* v. *Clary,* 312 F. 2d 748 (3d Cir., 1963); and *In the Matter of the National Deposition of J. W. McMullen,* unreported (S.D. Fla., 1963), *aff'd, sub nom. Allis-Chalmers Manufacturing Company* v. *City of Fort Pierce, Florida,* 323 F. 2d 233 (5th Cir., 1963).

[21] *A. B. Chance Company* v. *Atlantic City Electric Company,* 10 L. ed. 2d 122, 83 S. Ct. 964 (1963).

[22] *Philadelphia Electric Company* v. *Westinghouse Electric Corporation,* oral opinion (E.D. Pa., October 23, 1961), 308 F. 2d 856 (3d Cir., 1962), *cert. denied,* 372 U.S. 936 (1963), and *Commonwealth Edison Company* v. *Allis-Chalmers Manufacturing Company,* 207 F. Supp. 252 (N.D. Ill., 1962), 315 F. 2d 564 (7th Cir., 1963), *cert. denied,* 375 U.S. 834 (1963).

[23] *Commonwealth Edison Company* v. *Allis-Chalmers Manufacturing Company,* unreported (N.D. Ill. 1962).

[24] *Henry J. Stadin* v. *Union Electric Company,* oral opinion (E.D. Mo., 1962) 309 F. 2d 912 (8th Cir., 1962), *cert. denied,* 373 U.S. 915 (1963).

[25] *Commonwealth Edison Company* v. *Allis-Chalmers Manufacturing Company,* 225 F. Supp. 332 (1964); *Atlantic City Electric Company* v. *General Electric Company,* 226 F. Supp. 59 (S.D. N.Y., 1964); *Public Utility District No. 1 of Chelan County, Washington* v. *General Electric Company,* Civil No. 5271, W.D. Wash., March 9, 1964; and *Philadelphia Electric Company* v. *Westinghouse Electric Corporation,* unreported (E.D. Pa., 1963).

[26] As discussed above, appeals on the legal questions presented have been expedited in most instances pursuant to the Interlocutory Appeals Statute, 28 U.S.C. § 1292(b). Because of the backlog of appellate cases, review of certain cases has taken a year or longer. This may raise a question as to the effectiveness of this procedure, which was intended to provide "immediate appeal" in appropriate cases.

[27] "RESOLVED, That the subcommittee appointed to consider discovery problems arising in multiple litigation with common witnesses and exhibits is authorized to conduct a thorough review and study of the program and of the unique experience of the judges having the responsibility for the private antitrust litigation in the electrical equipment industry so as to develop from this experience general principles and guidelines for use in other multiple litigation, including any recommendations for statutory change; and further, that the subcommittee is authorized to consult and co-operate with the Advisory Committee on the Federal Rules of Civil Procedure in the development of any desirable rules of procedure for multiple litigation. The Chief Justice is authorized in his discretion to expand the membership of the subcommittee."

different districts which involve one or more common questions of fact, and for other purposes, introduced by Mr. TYDINGS, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 87 of title 28, United States Code, is amended by inserting therein after section 1406:

"§ 1407. Multidistrict litigation

"(a) When civil actions involving one or more common questions of fact are pending in different districts, such actions may be transferred to any district for coordinated or consolidated pretrial proceedings. Such transfers shall be made by the judicial panel on multidistrict litigation authorized by this section upon its determination that transfers for such proceedings will promote the just and efficient conduct of such actions. Each action so transferred shall be remanded by the panel at or before the conclusion of such pretrial proceedings to the district from which it was transferred unless it shall have been previously terminated: *Provided, however,* That the panel may separate any claim, cross-claim, counterclaim, or third-party claim and remand any of such claims before the remainder of the action is remanded.

"(b) Such coordinated or consolidated pretrial proceedings shall be conducted by a judge or judges to whom such actions are assigned by the judicial panel on multidistrict litigation. For this purpose, upon request of the panel, a circuit judge or a district judge may be designated and assigned temporarily for service in the transferee district by the Chief Justice of the United States or the chief judge of the circuit, as may be required, in accordance with the provisions of chapter 13 of this title. With the consent of the transferee district court, such actions may be assigned by the panel to a judge or judges of such district. The judge or judges to whom such actions are assigned, the members of the judicial panel on multidistrict litigation, and other circuit and district judges designated when needed by the panel may exercise the powers of a district judge in any district for the purpose of conducting pretrial depositions in such coordinated or consolidated pretrial proceedings.

"(c) Proceedings for the transfer of an action under this section may be initiated by the judicial panel on multidistrict litigation by notice to the parties in all actions in which transfers for coordinated or consolidated pretrial proceedings are contemplated. Such notice shall specify the manner, time, and place of the hearing to determine whether the transfer shall be made. The panel's order of transfer and such other orders as it may make shall be entered in the office of the clerk of the district court of the transferee district and shall be effective when thus entered. The clerk of the transferee district court shall forthwith transmit a certified copy of the panel's order of transfer to the clerk of the district court of the district from which the action is being transferred.

"(d) The judicial panel on multidistrict litigation shall consist of seven circuit and district judges designated from time to time by the Chief Justice of the United States, no two of whom shall be from the same circuit. The concurrence of four members shall be necessary to any action by the panel.

"(e) No proceedings for review of any order of the panel may be entertained by any other courts than the United States Court of Appeals having jurisdiction over the transferee district court and the Supreme Court of the United States.

"(f) The panel may prescribe rules for the conduct of its business not inconsistent with Acts of Congress and the Federal Rules of Civil Procedure.

"(g) Nothing in this section shall apply to any action in which the United States is a complainant arising under the antitrust laws. 'Antitrust laws' as used herein include those acts referred to in the Act of October 15, 1914, as amended, (38 Stat. 730; 15 U.S.C. 12), and also include the Act of June 19, 1936 (49 Stat. 1526; 15 U.S.C. 13, 13a and 13b) and the Act of September 26, 1914, as added March 21, 1938 (52 Stat. 116, 117, 15 U.S.C. 56); but shall not include section 4A of the Act of October 15, 1914, as added July 7, 1955 (69 Stat. 282; 15 U.S.C. 15a)."

SEC. 2. The analysis to chapter 87 of title 28, United States Code is amended by inserting the following new section:

"1407. Multidistrict litigation."

after

"1406. Cure or waiver of defects."

THE INTERSTATE TAXATION ACT

Mr. RIBICOFF. Mr. President, I introduce, for appropriate reference, the Interstate Taxation Act, a bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce.

The framers of our Constitution gave the Congress the power, under the Constitution, to regulate interstate commerce because they recognized the necessity for the free flow of trade between the States if this country were to develop its full potentiality as a nation. The wisdom of this principle has never been more apparent that in the tremendous economic growth of the country as a great national market in the last 20 years. The growth of modern communications, our airlines, superhighways, railroads, have tied this country together into an economic unity with a vitality unsurpassed in history.

The example has not gone unnoticed. In Europe, for example, a common market has come into being, designed to similarly spur the European economy by the creation of an integrated market. The continued growth of our own national common market is vital to our welfare.

But during the last 20 years, other factors have been at work which threaten our own national common market. During this time, the growth of our society has placed increasing pressures and burdens upon our States and local governments. Our growing population, the growth of our cities and towns, has placed new demands for services—for schools, roads, water systems, sewage disposal, fire and police protection. The States, in responding to these demands, have been required to look to new sources of revenue to finance these needed services.

In response to these demands, the States have enacted varied tax programs including sales taxes and complementing use taxes.

The local demands have reached the point where now counties and cities throughout the land have been compelled to enact their own sales taxes, their own income taxes. The wide variety of these taxes has created a bewildering and chaotic situation to the evergrowing number of small and middle-size businesses, who are attempting to market their goods in many States rather than merely one State.

The sales tax is collected by the seller for the State. However, when a seller sells in 40 States he is faced with an array of conflicting rules, regulations, forms, and procedures, which in many cases impose an insuperable barrier to compliance. The cost of compliance is often many times higher than the tax reported to the individual States. Compliance may, indeed, be impossible. A toolmaker in my own State of Connecticut reported spending several hundreds of dollars in response to a $53 tax liability.

With regard to income taxes, an interstate business is required to apportion its income among the States where it is required to file returns. The apportionment is done generally on the basis of factors such as payroll, property, or sales within the State or any combination of these. But again, to comply with the many different formulas requires many forms of accounting. While big businesses may hire computers and tax experts, the small businesses face a severe problem in attempting to comply.

Thus, the present method of imposing these business taxes is notable for widespread noncompliance. The gap between what is set forth in law and what is actually collected works to the detriment of all. The States suffer—the Nation's tax morality suffers—business suffers.

In my own State of Connecticut, the problem is reaching critical proportions. I have received pleas for congressional action from many businesses of all sizes—Connecticut businesses which need help desperately. Products manufactured by small Connecticut companies—many with less than 20 or 25 employees—end up in every State and every county of the United States. But the present system of State taxation is so chaotic and unwieldy that these businesses simply do not have the ability to comply with the taxing requirements of every locality in which their goods are sold. They clearly cannot be expected to assume the role of tax collector for every State and locality into which they send their products. It is imperative that small companies in Connecticut—as well as those throughout the entire United States—be allowed to have free access to the single national market which is common to all the States. This bill will help Connecticut get on with the job of building the American economy—and free it from the morass of rules, regulations, and redtape which now threatens the freedom of interstate commerce. This bill would provide rules to strike a balance between the legitimate needs of the States and our growing national economy.

It would provide income tax rules applicable to those businesses whose average income is $1 million or less. These businesses would be subject to State income tax only in those States in which they have a business location, that is, States in which they own or lease property or have one or more employees.

Having a substantial business location in the State they can be expected to comply with its particular income tax rules.

These businesses are also given the option of using a standard two factor formula based on property and payroll for apportioning their income among the States in which they are subject to tax. Thus the smaller businesses would have relief from the proliferation of income tax rules.

The bill also provides guidelines for State sales and use taxes. No State or local government could require collection of sales or use taxes unless the seller has a business location in that State or regularly makes household deliveries in the State.

In any event, the seller is relieved from collecting sales and use taxes on sales to business purchasers who are already registered with the State to collect sales and use taxes themselves.

A gross receipt tax could be levied only on those sellers having a business in the State.

The bill would also prevent out-of-State audit charges. It would prevent geographical discrimination by the States. It would grant an amnesty of unassessed back liability where no business location was maintained in the State. Further, it would provide for an evaluation by the Congress of the progress made by the States in resolving any remaining difficulties.

Mr. President, these are reasonable and restrained commonsense rules. Each State legitimately taxes those businesses within its borders.

It should increase taxpayer compliance and thereby State revenues. By reducing the cost of compliance to our Nation's businesses, it should increase their ability to pay these State and local taxes. Dollars spent on compliance problems rather than on taxes are wasted to our society.

Commerce among our States must remain free. That is one of our basic constitutional principles. That is what has made our national economic power the wonder and the strength of the free world.

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

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. 3816) to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce, introduced by Mr. RIBICOFF, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 3816

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 "Interstate Taxation Act".

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TITLE I—JURISDICTION TO TAX

SEC. 101. UNIFORM JURISDICTIONAL STANDARD

No State or political subdivision thereof shall have power—

(1) to impose a net income tax or capital stock tax on a corporation other than an excluded corporation unless the corporation has a business location in the State during the taxable year;

(2) to require a person to collect a sales or use tax with respect to a sale of tangible personal property unless the person has a business location in the State or regularly makes household deliveries in the State; or

(3) to impose a gross receipts tax with respect to a sale of tangible personal property unless the seller has a business location in the State.

A State or political subdivision shall have power to impose a corporate net income tax or capital stock tax, or a gross receipts tax with respect to a sale of tangible personal property, or to require seller collection of a sales or use tax with respect to a sale of tangible personal property, if it is not denied power to do so under the preceding sentence.

TITLE II—MAXIMUM PERCENTAGE OF INCOME OR CAPITAL ATTRIBUTABLE TO TAXING JURISDICTION

SEC. 201. OPTIONAL TWO-FACTOR FORMULA

A State or a political subdivision thereof may not impose on a corporation with a business location in more than one State, other than an excluded corporation, a net income tax (or capital stock tax) measured by an amount of net income (or capital) in excess of the amount determined by multiplying the corporation's base by an apportionment fraction which is the average of the corporation's property factor and the corporation's payroll factor for the State for the taxable year. For this purpose the base to which the apportionment fraction is applied shall be the corporation's entire taxable income as determined under State law for that taxable year (or its entire capital as determined under State law for the valuation date at or after the close of that taxable year).

SEC. 202. PROPERTY FACTOR.

(a) IN GENERAL.—A corporation's property factor for any State is a fraction, the numerator of which is the average value of the corporation's property located in that State and the denominator of which is the average value of all of the corporation's property located in any State.

(b) PROPERTY INCLUDED.—The corporation's property factor shall include all the real and tangible personal property which is owned by or leased to the corporation during the taxable year, except—

(1) property which is included in inventory,

(2) property which has been permanently retired from use, and

(3) tangible personal property rented out by the corporation to another person for a term of one year or more.

(c) EXCLUSION OF PERSONALITY FROM DENOMINATOR.—The denominator of the corporation's property factor for all States and political subdivisions shall not include the value of any property located in a State in which the corporation has no business location.

(d) STANDARDS FOR VALUING PROPERTY IN PROPERTY FACTOR.—

(1) OWNED PROPERTY.—Property owned by the corporation shall be valued at its original cost.

(2) LEASED PROPERTY.—Property leased to the corporation shall be valued at eight times the gross rents payable by the corporation during the taxable year without any deduction for amounts received by the corporation from subrentals.

(e) AVERAGING OF PROPERTY VALUES.—The average value of the corporation's property shall be determined by averaging values at the beginning and ending of the taxable year; except that values shall be averaged on a semi-annual, quarterly, or monthly basis if reasonably required to reflect properly the location of the corporation's property during the taxable year.

SEC. 203. PAYROLL FACTOR.

(a) IN GENERAL.—A corporation's payroll factor for any State is a fraction, the numerator of which is the amount of wages paid by the corporation to employees located in that State and the denominator of which is the total amount of wages paid by the corporation to all employees located in any State.

(b) PAYROLL INCLUDED.—The corporation's payroll factor shall include all wages paid by the corporation during the taxable year to its employees, except that there shall be excluded from the factor any amount of wages paid to a retired employee.

(c) EMPLOYEES NOT LOCATED IN ANY STATE.—If an employee is not located in any State, the wages paid to that employee shall not be included in either the numerator or the denominator of the corporation's payroll factor for any State or political subdivision.

(d) DEFINITION OF WAGES.—The term "wages" means wages as defined for purposes of Federal income tax withholding in section 3401(a) of the Internal Revenue Code of

1954, but without regard to paragraph (2) thereof.

SEC. 204. ZERO DENOMINATORS.

If the denominator of either the property factor or the payroll factor is zero, then the other factor shall be used as the apportionment fraction for each State and political subdivision. If the denominators of both tht property factor and the payroll factor are zero, then the apportionment fraction for the State where the corporation has its business location shall be 100 percent.

SEC. 205. CAPITAL ACCOUNT TAXES ON DOMESTIC CORPORATIONS.

The State in which a corporation is incorporated may impose a capital account tax on that corporation without division of capital, notwithstanding the jurisdictional standard and limitation on attribution otherwise imposed by this Act.

SEC. 206. LOCAL TAXES.

The maximum percentage of net income (or capital) of a corporation attributable to a political subdivision for tax purposes shall be determined under this part in the same manner as though the political subdivision were a State; except that the denominators of the corporation's property factor and payroll factor shall be the denominators applicable to all States and political subdivisions. For this purpose the numerators of the corporation's property factor and payroll factor shall be determined by treating every reference to location in a State, except the references in sections 202(c) and 203(c), as a reference to location in the political subdivision.

TITLE III—SALES AND USE TAXES

SEC. 301. REDUCTION OF MULTIPLE TAXATION.

(a) LOCATION OF SALES.—A State or political subdivision thereof may impose a sales tax or require a seller to collect a sales or use tax with respect to an interstate sale of tangible personal property only if the destination of the sale is—

(1) in that State, or

(2) in a State or political subdivision for which the tax is required to be collected.

(b) IMPOSITION OF USE TAX.—A State or political subdivision thereof may not impose a use tax with respect to tangible personal property of a person without a business location in the State or an individual without a dwelling place in the State; but nothing in this subsection shall affect the power of a State or political subdivision to impose a use tax if the destination of the sale is in the State and the seller has a business location in the State or regularly makes household deliveries in the State.

(c) CREDIT FOR PRIOR TAXES.—The amount of any use tax imposed with respect to tangible personal property shall be reduced by the amount of any sales or use tax previously paid by the taxpayer with respect to the property on account of liability to another State or political subdivision thereof.

(d) REFUND.—A person who pays a use tax imposed with respect to tangible personal property shall be entitled to a refund from the State or political subdivision thereof imposing the tax, up to the amount of the tax so paid, for any sales or use tax subsequently paid to the seller with respect to the property on account of liability to another State or political subdivision thereof.

(e) MOTOR VEHICLES AND MOTOR FUELS.—

(1) VEHICLES.—Nothing in subsection (a) or (b) shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor vehicles that are registered in the State.

(2) FUELS.—Nothing in this section shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor fuels consumed in the State.

SEC. 302. EXEMPTION FOR HOUSEHOLD GOODS. INCLUDING MOTOR VEHICLES, IN THE CASE OF PERSONS WHO ESTABLISH RESIDENCE.

No State or political subdivision thereof may impose a sales tax, use tax, or other nonrecurring tax measured by cost or value with respect to household goods, including motor vehicles, brought into the State by a person who establishes residence in that State if the goods were acquired by that person thirty days or more before he establishes such residence.

SEC. 303. TREATMENT OF FREIGHT CHARGES WITH RESPECT TO INTERSTATE SALES.

Where the freight charges or other charges for transporting tangible personal property to the purchaser incidental to an interstate sale are not included in the price but are separately stated by the seller, no State or political subdivision may include such charges in the measure of a sales or use tax imposed with respect to the sale or use of the property.

SEC. 304. LIABILITY OF SELLERS ON SALES TO BUSINESS BUYERS.

No seller shall be liable for the collection or payment of a sales or use tax with respect to an interstate sale of tangible personal property if the purchaser of such property furnishes or has furnished to the seller—

(1) a registration number or other form of identification indicating that the purchaser is registered with the jurisdiction imposing the tax to collect or pay a sales or use tax imposed by that jurisdiction, or

(2) a certificate or other written form of evidence indicating the basis for exemption or the reason the seller is not required to pay or collect the tax.

SEC. 305. LOCAL SALES TAXES.

No seller shall be required by a State or political subdivision thereof to classify interstate sales for sales tax accounting purposes according to geographic areas of the State in any manner other than to account for interstate sales with destinations in political subdivisions in which the seller has a business location or regularly makes household deliveries. Where in all geographic areas of a State sales taxes are imposed at the same rate on the same transactions, are administered by the State, and are otherwise applied uniformly so that a seller is not required to classify interstate sales according to geographic areas of the State in any manner whatsoever, such sales taxes whether imposed by the State or by political subdivisions shall be treated as State taxes for purposes of this Act.

TITLE IV—EVALUATION OF STATE PROGRESS

SEC. 401. CONGRESSIONAL COMMITTEES.

The Committee on the Judiciary of the House of Representatives and the Committee on Finance of the United States Senate, acting separately or jointly, or both, or any duly authorized subcommittees thereof, shall for four years following the enactment of this Act evaluate the progress which the several States and their political subdivisions are making in resolving the problems arising from State taxation of interstate commerce and if, after four years from the enactment of this Act, the States and their political subdivisions have not made substantial progress in resolving any such problem, shall propose such measures as are determined to be in the national interest.

TITLE V—DEFINITIONS AND MISCELLANEOUS PROVISIONS

Part A—Definitions

SEC. 501. NET INCOME TAX.

A "net income tax" is a tax which is imposed on or measured by net income, including any tax which is imposed on or measured by an amount arrived at by deducting from gross income expenses one or more forms of which are not specifically and directly related to particular transactions.

SEC. 502. CAPITAL STOCK TAX; CAPITAL ACCOUNT TAX.

(a) CAPITAL STOCK TAX.—A "capital stock tax" is any tax measured in any way by the capital of a corporation considered in its entirety.

(b) CAPITAL ACCOUNT TAX.—A "capital account tax" is any capital stock tax measured by number of shares, par or nominal value of shares, paid-in capital, or the like, not including any tax the measure of which includes any element of earned surplus.

SEC. 503. SALES TAX.

A "sales tax" is any tax imposed with respect to retail sales, and measured by the sales price of goods or services sold, which is required by State law to be stated separately from the sales price by the seller, or which is customarily stated separately from the sales price.

SEC. 504. USE TAX.

A "use tax" is any nonrecurring tax, other than a sales tax, which is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership of that property or the leasing of that property from another, including any consumption, keeping, retention, or other use of tangible personal property.

SEC. 505. GROSS RECEIPTS TAX.

A "gross receipts tax" is any tax, other than a sales tax, which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which no deduction is allowed which would constitute the tax a net income tax.

SEC. 506. EXCLUDED CORPORATION.

(a) IN GENERAL.—An "excluded corporation" is any corporation—

(1) more than 50 percent of the ordinary gross income of which for the taxable year—

(A) is derived from regularly carrying on any one or more of the following business activities:

(i) the transportation for hire of property or passengers, including the rendering by the transporter of services incidental to such transportation;

(ii) the furnishing of—

(I) telephone service or public telegraph service, or

(II) other communications service if the corporation is substantially engaged in furnishing a service described in subdivision (I);

(iii) the sale of electrical energy, gas, or water;

(iv) the issuing of insurance or annuity contracts or reinsurance; or

(v) banking, the lending of money, or the extending of credit;

(B) is received in the form of one or more of the following:

(i) dividends;

(ii) interest; or

(iii) royalties from patents, copyrights, trademarks, or other intangible property and mineral, oil, or gas royalties (but not payments of the type described in section 543 (a)(5)(B) of the Internal Revenue Code of 1954); or

(C) consists of ordinary gross income described in subparagraph (A) and other ordinary gross income described in subparagraph (B);

(2) which is a "personal holding company" as defined in section 542 of the Internal Revenue Code of 1954 or a "foreign personal holding company" as defined in section 552 of such Code; or

(3) which has an average annual income in excess of $1,000,000.

(b) ORDINARY GROSS INCOME.—The term "ordinary gross income" means gross income

as determined for the taxable year under the applicable provisions of the Internal Revenue Code of 1954, except that there shall be excluded therefrom—

(1) all gains and losses from the sale or other disposition of capital assets, and

(2) all gains and losses from the sale or other disposition of property of a character described in section 1231(b) of the Internal Revenue Code of 1954 (determined without regard to holding period).

(c) AVERAGE ANNUAL INCOME.—A corporation's "average annual income" with respect to any taxable year (in this subsection referred to as the "computation year") shall be determined as follows:

(1) The period to be used in making the determination (in this subsection referred to as the "averaging period") shall first be established. Such period shall consist of the 5 consecutive taxable years ending with the close of the computation year; except that if the corporation was not required to file a Federal income tax return for 5 consecutive taxable years ending with the close of the computation year, its averaging period shall consist of the 1 or more consecutive taxable years, ending with the close of that year, for which it was required to file such a return.

(2)(A) The amount of the corporation's Federal taxable income for each of the taxable years in its averaging period shall then be determined. Such amount for any year shall be the corporation's taxable income for such year for purposes of the Internal Revenue Code of 1954 (determined without regard to any net operating loss carryback from a taxable year after the computation year), except as otherwise provided in subparagraphs (B) and (C).

(B) If for any portion of its averaging period the corporations' income was included in a consolidated return filed under the Internal Revenue Code of 1954, the corporation's Federal taxable income for that portion of such period shall be considered to be the total consolidated Federal taxable income included in such return (and the corporation's Federal taxable income for any portions of its averaging period to which this subparagraph does not apply shall be determined under the other provisions of this paragraph as though the corporation had no income for any portion of such period to which this subparagraph applies).

(C) If any taxable year in the corporations' averaging period is a period of less than 12 calendar months (and its taxable income for such year is not otherwise annualized for purposes of the Internal Revenue Code of 1954), the corporation's Federal taxable income for such taxable year shall be placed on an annual basis for purposes of this subsection by multiplying such income by 12 and dividing the result by the number of months in such year.

(3) The amounts determined under paragraph (2) for the taxable years in the corporation's averaging period shall be added together, and the total shall be divided by the number of such years. The resulting sum is the corporation's average annual income with respect to the computation year, unless paragraph (4) applies.

(4)(A) If the corporation is affiliated at any time during the computation year with one or more other corporations, its average annual income with respect to the computation year shall be the total of its own average annual income and the average annual income of each of the corporations with which it is so affiliated, as determined under paragraph (3) (with respect to such year) subject to subparagraph (B) of this paragraph.

(B) If two or more of the corporations to which subparagraph (A) applies with respect to any computation year included their income in the same consolidated return filed under the Internal Revenue Code of 1954 for any portion of the applicable averaging period, the total consolidated Federal taxable income included in such return shall be deemed to be their aggregate Federal taxable income for that portion of such period for purposes of subparagraph (A), and paragraph (2)(B) shall be disregarded to the extent that its application would result in a larger aggregate Federal taxable income.

(d) AFFILIATED CORPORATIONS.—For purposes of subsection (c), two or more corporations are "affiliated" if they are members of the same group comprised of one or more corporate members connected through stock ownership with a common owner, which may be either corporate or noncorporate, in the following manner:

(1) more than 50 percent of the voting stock of each member other than the common owner is owned directly by one or more of the other members; and

(2) more than 50 percent of the voting stock of at least one of the members other than the common owner is owned directly by the common owner.

The fact that a corporation is an "excluded corporation" shall not be taken into account in determining whether two or more other corporations are "affiliated".

SEC. 507. SALE; SALES PRICE.

The terms "sale" and "sales price" shall be deemed to include leases and rental payments under leases.

SEC. 508. INTERSTATE SALE.

An "interstate sale" is a sale with either its origin or its destination in a State, but not both in the same State.

SEC. 509. ORIGIN.

The origin of a sale is—

(1) in the State or political subdivision in which the seller owns or leases premises at which the property was last located prior to delivery or shipment of the property by the seller to the purchaser or to a designee of the purchaser, or

(2) if the property was never located at premises owned or leased by the seller, in the State or political subdivision in which a business location of the seller is located and in or from which the sale was chiefly negotiated.

SEC. 510. DESTINATION.

The destination of a sale is in the State or political subdivison where the property is delivered or shipped to the purchaser, regardless of the f.o.b. point or other conditions of the sale.

SEC. 511. BUSINESS LOCATION.

(a) GENERAL RULE.—A person shall be considered to have a business location within a State only if that person—

(1) owns or leases real property within the State, or

(2) has one or more employees located in the State.

(b) EXCEPTION.—If a corporation's only activities within a State consists of the maintenance of an office for gathering news the corporation shall not be considered to have a business location in that State for purposes of paragraph (1) of section 101, to own or lease real property within that State for purposes of section 202, or to have an employee located in the State for purposes of section 203.

(c) BUSINESS LOCATION IN SPECIAL CASES.—If a person does not own or lease real property within any State or have an employee located in any State (or in a case described in the last sentence of section 204), that person shall be considered to have a business location only—

(1) in the State in which the principal place from which its trade or business is conducted is located, or

(2) if the principal place from which its trade or business is conducted is not located in any State, in the State of its legal domicile.

SEC. 512. LOCATION OF PROPERTY.

(a) GENERAL RULE.—Except as otherwise provided in this section, property shall be considered to be located in a State if it is physically present in that State.

(b) RENTED-OUT PERSONALTY.—Personal property which is rented out by a corporation to another person shall be considered to be located in a State if the last base of operations at or from which the property was delivered to a lessee is in that State. If there is no base of operations in any State at which the corporation regularly maintains property of the same general kind for rental purposes, such personal property shall not be considered to be located in any State.

(c) MOVING PROPERTY WHICH IS NOT RENTED OUT.—Personal property which is not rented out and which is characteristically moving property, such as motor vehicles, rolling stock, aircraft, vessels, mobile equipment, and the like, shall be considered to be located in a State if—

(1) the operation of the property is localized in that State, or

(2) the operation of the property is not localized in any State but the principal base of operations from which the property is regularly sent out is in that State.

If the operation of the property is not localized in any State and there is no principal base of operations in any State from which the property is regularly sent out, the property shall not be considered to be located in any State.

(d) MEANING OF TERMS.—

(1) LOCALIZATION OF OPERATION.—The operation of property shall be considered to be localized in a State if during the taxable year it is operated entirely within that State, or it is operated both within and without that State but the operation without the State is—

(A) occasional, or

(B) incidental to its use in the transportation of property or passengers from points within the State to other points within the State, or

(C) incidental to its use in the production, construction, or maintenance of other property located within the State.

(2) BASE OF OPERATIONS.—The term "base of operations", with respect to a corporation's rented-out property or moving property which is not rented out, means the premises at which any such property is regularly maintained by the corporation when—

(A) in the case of rented-out property, it is not in the possession of a lessee, or

(B) in the case of moving property which is not rented out, it is not in operation.

regardless of whether such premises are maintained by the corporation or by some other person; except that if the premises are maintained by an employee of the corporation primarily as a dwelling place they shall not be considered to constitute a base of operations.

SEC. 513. LOCATION OF EMPLOYEE.

(a) GENERAL RULE.—An employee shall be considered to be located in a State if—

(1) the employee's service is localized in that State, or

(2) the employee's service is not localized in any State but some of the service is performed in that State and the employee's base of operations is in that State.

(b) LOCALIZATION OF EMPLOYEE'S SERVICE.—Service of any employee shall be considered to be localized in a State if—

(1) the service is performed entirely within that State, or

(2) the service is performed both within and without that State, but the service performed without the State is incidental to service performed within the State.

(c) EMPLOYEE'S BASE OF OPERATIONS.—The term "base of operations", with respect to an employee, means a single place of business

with a permanent location which is maintained by the employer and from which the employee regularly commences his activities and to which he regularly returns in order to perform the functions necessary to the exercise of his trade or profession.

(d) CONTINUATION OF MINIMUM JURISDICTIONAL STANDARD.—An employee shall not be considered to be located in a State if his only business activities within such State on behalf of his employer are either or both of the following:

(1) The solicitation of orders, for sales of tangible personal property, which are sent outside the State for approval or rejection and (if approved) are filled by shipment or delivery from a point outside the State.

(2) The solicitation of orders in the name of or for the benefit of a prospective customer of his employer, if orders by such customer to such employer to enable such customer to fill orders resulting from such solicitation are orders described in paragraph (1).

This subsection shall not apply with respect to business activities carried on by one or more employees within a State if the employer (without regard to those employees) has a business location in such State.

(e) EMPLOYEES OF CONTRACTORS AND EXTRACTORS.—If the employer is engaged in the performance of a contract for the construction of improvements on or to real property in the State or of a contract for the extraction of natural resources located in the State, an employee whose services in the State are related primarily to the performance of the contract shall be presumed to be located in the State. This subsection shall not apply with respect to services performed in installing or repairing tangible property which is the subject of interstate sale by the employer, if such installing or repairing is incidental to the sale.

(f) The term "employee" has the same meaning as it has for purposes of Federal income tax withholding under chapter 24 of the Internal Revenue Code of 1954.

SEC. 514. HOUSEHOLD DELIVERIES.

A seller makes household deliveries in a State or political subdivision if he delivers goods, otherwise than by mail or by a common carrier, to the dwelling places of his purchasers located in that State or subdivision.

SEC. 515. STATE.

The term "State" means the several States of the United States and the District of Columbia.

SEC. 516. STATE LAW.

References in this Act to "State law", "the laws of the State", and the like shall be deemed to include a State constitution, and to include the statutes and other legislative acts, judicial decisions, and administrative regulations and rulings of a State and of any political subdivision.

SEC. 517. TAXABLE YEAR.

A corporation's "taxable year" is the calendar year, fiscal year, or other period upon the basis of which its taxable income is computed for purposes of the Federal income tax.

SEC. 518. VALUATION DATE.

The "valuation date", with respect to a capital stock tax, is the date as of which capital is measured.

Part B—Miscellaneous provisions

SEC. 521. PERMISSIBLE FRANCHISE TAXES.

The fact that a tax to which this Act applies is imposed by a State or political subdivision thereof in the form of a franchise, privilege, or license tax shall not prevent the imposition of the tax on a person engaged exclusively in interstate commerce within the State; but such a tax may be enforced against a person engaged exclusively in interstate commerce within the State solely as a revenue measure and not by ouster from the State or by criminal or other penalty for engaging in commerce within the State without permission from the State.

SEC. 522. PROHIBITION AGAINST GEOGRAPHICAL DISCRIMINATION.

(a) IN GENERAL.—No provision of State law shall make any person liable for a greater amount of corporate net income tax, capital stock tax, sales or use tax with respect to tangible personal property, or gross receipts tax with respect to tangible personal property, by virtue of the location of any occurrence in a State outside the taxing State, than the amount of the tax for which such person would otherwise be liable if such occurrence were within the State (subject to section 523). For purposes of this subsection, the term "occurrence" includes incorporation, qualification to do business, and the making of a tax payment, and includes an activity of the taxpayer or of a person (including an agency of a State or local government) receiving payments from or making payments to the taxpayer.

(b) COMPUTATION OF TAX LIABILITY UNDER DISCRIMINATORY LAWS.—When any State law is in conflict with subsection (a), tax liability may be discharged in the manner which would be provided under State law if the occurrence in question were within the taxing State.

SEC. 523. APPLICABILITY OF ACT TO EXCLUDED CORPORATIONS.

Nothing in this Act shall affect the power of any State or political subdivision to impose or assess a net income or capital stock tax with respect to an excluded corporation.

SEC. 524. PROHIBITION AGAINST OUT-OF-STATE AUDIT CHARGES.

No charge may be imposed by a State or political subdivision thereof to cover any part of the cost of conducting outside that State an audit for a tax to which this Act applies, including a net income or capital stock tax imposed on an excluded corporation.

SEC. 525. LIABILITY WITH RESPECT TO UNASSESSED TAXES.

(a) PERIODS ENDING PRIOR TO ENACTMENT DATE.—No State or political subdivision thereof shall have the power, after the date of the enactment of this Act, to assess against any person for any period ending on or before such date in or for which that person became liable for the tax involved—

(1) a corporate net income tax, capital stock tax (other than a capital account tax imposed on corporations incorporated in the State), or gross receipts tax with respect to tangible personal property, if during such period that person did not have a business location in the State; or

(2) a sales or use tax with respect to tangible personal property if during such period that person was not registered in the State for the purpose of collecting tax, had no business location in the State, and did not regularly make household deliveries in the State.

(b) CERTAIN PRIOR ASSESSMENTS AND COLLECTIONS.—The provisions of subsection (a) shall not be construed—

(1) to invalidate the collection of a tax prior to the time assessment became barred under subsection (a),

(2) to prohibit the collection of a tax at or after the time assessment became barred under subsection (a), if the tax was assessed prior to such time.

SEC. 526. EFFECTIVE DATES.

(a) CORPORATE NET INCOME TAXES AND CAPITAL STOCK TAXES.—Title II of this Act, and the provisions of section 101 and this title (except section 525) insofar as they relate to corporate net income taxes or capital stock taxes, shall apply in the case of corporate net income taxes only with respect to taxable years ending after the date of the enactment of this Act, and in the case of capital stock taxes only with respect to taxes for which the valuation date is later than the close of the first taxable year ending after the date of the enactment of this Act. Any corporation shall be permitted to adjust its reporting period for net income tax purposes to the extent necessary to comply with this Act, effective for the first taxable year to which title II applies.

(b) OTHER PROVISIONS.—The remaining provisions of this Act shall take effect on the date of this enactment of this Act.

ARMED SERVICES SURVIVOR ANNUITIES

Mr. YARBOROUGH. Mr. President, recently the Congress passed the Federal Salary and Fringe Benefits of 1966—Public Law 89-504—which increased salaries and extended the retirement benefits of Federal employees. The former members of the armed services are entitled to comparable benefits from the Government which they have served. Public Law 89-504 amended the Civil Service Retirement Act to provide continued payment of an annuity to the surviving spouse of a retired employee who remarries after age 60. In the case of remarriage prior to age 60, the bill authorizes restoration of the annuity to the surviving spouse if the remarriage is dissolved by death, annulment, or divorce.

Mr. President, today I introduce, for appropriate reference, a bill to amend the United States Code to provide equivalent benefits for retired servicemen and their survivors. In my State and throughout the country, thousands of widows of servicemen are receiving pensions as their only income. If they choose to remarry they immediately lose their pensions. Thus many of our older citizens are unable to marry and enjoy the companionship which they deserve. It is only just that retired servicemen receive benefits comparable to those of retired Federal employees.

Mr. President, I ask unanimous consent that the text of the bill be printed 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. 3819) to amend chapter 73 of title 10, United States Code, so as to provide for the continued payment of an annuity under such chapter to a spouse who remarries after age 60, and to permit the restoration of such an annuity to a spouse whose remarriage is dissolved before age 60 by death, annulment, or divorce, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 3819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1434 (a) (1) of title 10, United States Code, is amended to read as follows:

"(1) to, or on behalf of, the surviving spouse;"

SEC. 2. Section 1437 of title 10, United States Code, is amended by inserting "(a)"

at the beginning thereof, and by adding a new subsection as follows:

"(b) The annuity of any spouse or any right thereto shall terminate upon (1) the death of such spouse, or (2) the remarriage of such spouse prior to attaining age sixty. In any case in which the annuity paid under this chapter to a surviving spouse is hereafter terminated because of remarriage before attaining age sixty, such annuity shall be restored to such spouse commencing on the day such remarriage is dissolved by death, annulment, or divorce if the said surviving spouse elects to receive such annuity in lieu of any survivor benefit to which such spouse may be entitled, under any other Federal survivor benefit program, by reason of the remarriage."

SEC. 3. No benefits shall be paid to any person for any period prior to the date of enactment of this Act by virtue of the amendments made by this Act.

ADDITIONAL COSPONSORS OF RESOLUTION, BILL, AND JOINT RESOLUTION

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following resolution, bill, and joint resolution:

Authority of August 25, 1966:

S. Res. 298. Resolution to establish a Select Committee on Technology and Human Environment: Mr. BARTLETT, Mr. BIBLE, Mr. BURDICK, Mr. DOUGLAS, Mr. GRUENING, Mr. HARRIS, Mr. HARTKE, Mr. INOUYE, Mr. KENNEDY of New York, Mr. LONG of Missouri, Mr. MANSFIELD, Mr. MCGEE, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mrs. NEUBERGER, Mr. PEARSON, Mr. PELL, Mr. PROXMIRE, Mr. RIBICOFF, Mr. SCOTT, Mr. TYDINGS, and Mr. WILLIAMS of New Jersey.

Authority of September 1, 1966:

S. 3798. A bill to provide for an appraisal investigation and study of the coasts of the United States and the shorelines of the Great Lakes in order to determine areas where erosion represents a serious problem: Mr. BARTLETT, Mr. ERVIN, Mr. HART, Mr. MAGNUSON, Mr. NELSON, Mrs. NEUBERGER, and Mr. SALTONSTALL.

S.J. Res. 192. Joint resolution to preserve the trees within the boundaries of the proposed Redwood National Park until Congress has had an opportunity to determine whether the park should be established: Mr. ANDERSON, Mr. CASE, Mr. CLARK, Mr. COOPER, Mr. JAVITS, Mr. LONG of Missouri, Mr. MOSS, Mr. MUSKIE, Mr. PROXMIRE, Mr. SCOTT, and Mr. YARBOROUGH.

EXTENSION OF TIME FOR S. 3794 TO LIE AT THE DESK FOR ADDITIONAL COSPONSORS

Mr. JAVITS. Mr. President, I ask unanimous consent that S. 3794, now at the desk for additional cosponsors, may continue to lie at the desk for additional cosponsors until the close of business on September 16, 1966.

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

ANTI-INFLATION PROGRAM—HEARINGS ON INTEREST AND DIVIDEND CONTROLS

Mr. ROBERTSON. Mr. President, yesterday the House passed H.R. 14026, a bill relating to the regulation of interest and dividend rates payable by banks and savings and loan associations, and similar proposals, after adopting a number of amendments. As amended and passed by the House, H.R. 14026 is substantially the same as S. 3687, introduced by me at the request of the administration on August 3, 1966, with Senator SPARKMAN as cosponsor.

The principal differences between the two bills are as follows:

First. The effectiveness of the House bill would be limited to 1 year from its enactment. The Senate bill has no time limit.

Second. The House bill does not contain a number of provisions in the Senate bill clarifying, and in some instances expanding, the power of national banks to make real estate loans.

Third. The House bill contains a provision, not in the Senate bill, calling on the Secretary of the Treasury, the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board to exercise their powers so as to reduce interest rates to the maximum extent feasible in the light of the prevailing money market and general economic conditions.

On yesterday also, the President transmitted a message to the Congress setting forth his anti-inflation program, printed in yesterday's RECORD at page 22137. In this message the President urged the Congress "to act promptly on pending legislation to prevent competition for deposit and share accounts from driving up interest rates." The President was, I am convinced, referring specifically to S. 3687 and H.R. 14026.

On August 4, 1966, the Banking and Currency Committee held 1 day of hearings—called at very short notice—on S. 3687 and other proposals relating to the regulation of dividends and interest paid by banks and savings and loan associations and related proposals. At this hearing Government witnesses testified in support of the administration proposals and specifically supported S. 3687. Other witnesses, representing savings and loan trade associations, testified in opposition to the bill.

In view of the fact that there can be no action in the Senate on H.R. 14026 or any similar measure until the pending civil rights bill is disposed of, I shall call a meeting of the full Banking and Currency Committee to consider these bills. Since we have already held hearings on S. 3687 and related proposals, the testimony to be received will be confined for most part to Government witnesses and to representatives of national organizations.

This hearing will be held on Tuesday, September 13, 1966, at 10 a.m., in room 5302, New Senate Office Building. Any persons who wish to appear and testify in connection with this bill are requested to notify Matthew Hale, chief of staff, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, Washington, D.C., telephone 225-3921.

In accordance with the Legislative Reorganization Act of 1946, the committee expects to give each witness approximately 10 minutes to make an oral statement, with the privilege of submitting a full and complete statement of his position for the record.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, September 9, 1966, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 112. An act to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans by the Secretary of Agriculture on leasehold interests in Hawaii, and for other purposes;

S. 254. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Tualatin Federal reclamation project, Oregon, and for other purposes;

S. 1684. An act to direct the Secretary of the Interior to adjudicate a claim to certain land in Marengo County, Ala.;

S. 2366. An act to repeal certain provisions of the act of January 21, 1929 (45 Stat. 1001), as amended;

S. 2747. An act to authorize conclusion of an agreement with Mexico for joint measures for solution of the Lower Rio Grande salinity problem;

S. 3354. An act to amend the law establishing the revolving fund for expert assistance loans to Indian tribes;

S. 3576. An act to amend section 2241 of title 28, United States Code, with respect to the jurisdiction and venue of applications for writs of habeas corpus by persons in custody under judgments and sentences of State courts; and

S.J. Res. 178. Joint resolution to delete the interest rate limitation on debentures issued to Federal intermediate credit banks.

CREATION OF KANSAS CITY AREA TRANSPORTATION DISTRICT AND KANSAS CITY AREA TRANSPORTATION AUTHORITY

The PRESIDING OFFICER (Mr. TYDINGS in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 3051) granting the consent of Congress to the compact between Missouri and Kansas creating the Kansas City Area Transportation District and the Kansas City Area Transportation Authority which was, on page 10, strike out lines 10 through 18, inclusive, and insert:

(d) Congress or any committee thereof shall have the right to require the disclosure and furnishing of such information by the Authority as they may deem appropriate and shall have access to all books, records, and papers of the Authority.

(e) The consent of Congress to this compact is granted subject to the further condition that the Kansas City Area Transportation District and the Kansas City Area Transportation Authority shall not acquire, construct, maintain, operate, or lease to others for maintenance and operation any interstate toll bridge or interstate toll tunnel without prior approval of the Secretary of Commerce.

(f) The right to alter, amend, or repeal this Act is hereby expressly reserved.

Mr. EASTLAND. Mr. President, the House adopted an amendment that is agreeable to the Senate, and I move that the Senate concur in the amendment of the House.

The motion was agreed to.

THE PRESIDENT'S ECONOMIC MESSAGE

Mr. WILLIAMS of Delaware. Mr. President, yesterday the President sent a message to Congress outlining his proposals for combating inflation. I should like to discuss that subject at this time, but I shall need more than 3 minutes. I ask unanimous consent that I may be permitted to proceed without regard to the 3-minute limitation.

Mr. JAVITS. Mr. President, reserving the right to object—and I do not want to object—but the majority leader spoke about a brief morning hour. I wish to talk about the same matter that he discussed—that is, the President's economic measure. I would not like to be cut off with a quorum call or something else after consenting to indefinite time, as asked for by the Senator from Delaware.

Mr. MANSFIELD. Mr. President, I am sure the Senator will get all the time he desires.

Mr. JAVITS. May we ask the Senator from Delaware if he would suggest a limitation of time?

Mr. WILLIAMS of Delaware. I have no objection to Senators who wish to make 3-minute statements proceeding first, and then I shall proceed.

Mr. PROXMIRE. Mr. President——

The PRESIDING OFFICER. Will the Senator from Delaware yield to the Senator from Wisconsin?

Mr. JAVITS. I am entirely agreeable to the Senator from Delaware proceeding.

The PRESIDING OFFICER. Under the unanimous-consent agreement——

Mr. PROXMIRE. Mr. President, I was not about to refer to the unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. ELLENDER. Reserving the right to object——

Mr. WILLIAMS of Delaware. I was asking for consent to proceed.

Mr. ELLENDER. For what period of time?

Mr. WILLIAMS of Delaware. I shall take at least 15 minutes; and if I require more time I shall ask for more time.

Mr. ELLENDER. I have no objection.

Mr. PROXMIRE. Mr. President, I object.

Mr. WILLIAMS of Delaware. Mr. President, I have 3 minutes, under the limitation agreement, do I not?

The PRESIDING OFFICER. The Senator may proceed for 3 minutes, under the agreement.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the Senator from Delaware may be allowed to proceed for 10 minutes.

Mr. WILLIAMS of Delaware. Mr. President, I will withhold the request and speak on it later. We will have opportunity to do so. I have 3 minutes, do I not?

The PRESIDING OFFICER. The Senator is correct.

Mr. WILLIAMS of Delaware. Mr. President, yesterday the President sent his tax message to Congress—a rather extensive message—and I was asked by the press to comment on his proposals. The press naturally was disappointed that I could not make any comment, but I could not do so because I did not even know that the President was sending a message. Notwithstanding the fact that I am the ranking minority member of the Senate Finance Committee, neither I nor any of the Senators on this side of the aisle were consulted as to the contents of the message. This is a highly important matter, and I feel that it is important that the minority at least have an opportunity to express its opinion.

I recognize, however, the rules of the Senate, but such an opportunity will be available either later during the sessions of the Senate today or during the committee hearings. In order that we may be certain that the minority will have an opportunity to comment I now request both the minority leader and the majority leader, who are on the floor, to take notice that I am filing an objection to any further meetings of the Committee on Finance during the sessions of the Senate for the remainder of this session of Congress.

As a member of the minority party I will not sit idly by and see this Texas steamroller roll through a tax proposal which is so important to the American people without the minority at least having an opportunity to examine and comment on the matter.

Important measures are before the Senate every day, and our presence is required in the Senate. I also want to be present at the committee hearings. I shall not provoke any undue delay, but as a Member of the Senate and as a member of the minority, I insist that I at least have an opportunity to examine and discuss this tax recommendation to obtain the viewpoint of the administration—something we have not been able to get heretofore—I want a reasonable chance to express my own views.

Therefore, I am filing this objection, and this objection stands for the duration of this Congress.

I shall speak at a later date as to my views on this bill.

CONGRESS SHOULD NOT SUSPEND INVESTMENT CREDIT

Mr. PROXMIRE. Mr. President, President Johnson should make a far sharper reduction in Federal spending than he proposed in his statement on inflation yesterday and should suspend neither the investment credit nor accelerated depreciation.

The President has unfortunately chosen just the wrong medicine to keep the Nation prosperous and growing while easing the pressure on prices and interest rates.

Greater emphasis on reducing the Federal spending under executive control makes far more sense. First, much of this spending is indefensible. Second—and most important—it can be swiftly reduced. The effect in stemming inflation would be almost immediate.

On the other hand, the tax measures proposed by the President will not have their prime effect on prices or interest rates for a year or more after Congress acts on them. There are strong indications that by the time these measures are depressing the economy, we may have increased unemployment and a serious recession.

In addition to the President's feeble economies, I would cut a billion dollars out of the space program, $200 million the administration plans to spend on the supersonic transport, stop all spending on mass transportation, and postpone all Federal public works projects, including roadbuilding that is under direct Presidential control.

I vigorously disagree with the proposed suspension of the investment credit. I intend to fight this proposal on the floor of the Senate.

President Johnson's own Secretary of the Treasury told the Joint Economic Committee just last March that this suspension cannot have its prime effect for at least a year after Congress acts. The Treasury brilliantly documented this position.

And 1 year from now looks like just the wrong time to stem business investment. The National Industrial Conference Board's survey of the thousand largest manufacturing firms shows that business spending on plant and equipment is scheduled to sharply drop without this suspension at that time.

The suspension on top of the scheduled cutback could easily trigger a serious recession in capital goods industries next year.

Business will justifiably complain about the uncertainty involved in the suspension of this important element in business' decision on capital investment.

I oppose the proposed suspension of accelerated depreciation because it will have an even more adverse effect on long-term construction.

Most of the work on industrial building that this proposal would postpone will be done 2 or 3 years or more from now. By that time economic conditions would easily be depressed.

By substantially increasing his proposed cutbacks in Federal spending on the other hand, the President could much more swiftly and decisively bring the cost of living and interest rates under control.

Mr. President, I ask unanimous consent to have printed in the RECORD a colloquy which I had with Secretary Fowler which appears on page 234 of the Joint Economic Committee hearings on the 1966 Presidential Economy Report; a memorandum furnished to me by the Secretary of the Treasury last February entitled, "The Investment Credit Should Not Be Suspended," in which there is set forth the following reasons for not suspending the credit: First, investment credit is a sound long-range measure; second, suspension of investment credit not suitable as short-term restraining factor; third, current situation does not require changes in final income tax liabilities; and, fourth, that the suspension would have an adverse effect on the balance of payments; and what I believe is excellent documentation of the lag in suspending investment credit.

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

EXCERPT FROM JOINT ECONOMIC COMMITTEE HEARINGS ON 1966 PRESIDENTIAL ECONOMIC REPORT

Secretary FOWLER. It seemed to us from our analysis, and we studied this matter very carefully during December, that repeal of the investment credit is not suitable as a short-term restraining factor. I developed that point briefly this morning.

The other side of the coin is that we feel the investment credit is a sound long-range measure for the kind of economic problems we had 3 or 4 years ago when it was introduced, as well as the problems that stretch out ahead of us.

Senator PROXMIRE. May I just interrupt to say I agree with that, but it also lends itself rather neatly to modification; in other words, the 7-percent investment credit could be cut to 5 percent, 4 percent, whatever seemed to be appropriate. If the feeling on the part of the administration is that we ought to discourage investment at a certain time why would it not be logical to do that maybe on a temporary basis, maybe for a year?

Secretary FOWLER. As I tried to explain this morning, the tax credit is only claimed at the time a project is completed. Therefore, if you played fair with people who already had projects underway, you would not have much effect on the volume of investment currently underway or just short of being underway. The impact would be on investment projected to be placed in service beginning sometime in 1967 or 1968.

The long leadtime, and the long delayed impact of a change in the credit, would give us very real concern if the purpose of the change was to dampen investment. The question raised is whether or not there is not a more desirable and immediate way of accomplishing the result.

For example, an obvious alternative is the corporate tax rate itself.

THE INVESTMENT CREDIT SHOULD NOT BE SUSPENDED

It has been suggested that the investment credit be suspended to meet current revenue needs associated with Vietnam. This is not desirable for the following reasons:

1. Investment credit is a sound long-range measure. The investment credit was adopted to provide a long-range incentive for growth and modernization of our productive capacity. It has been eminently successful. The added capacity and efficiency that have resulted from the operation of the credit along with the new depreciation guidelines since 1962 are of tremendous value to our economy and our defense effort now. The credit is one of the key weapons in assuring a strong and sustainable level of investment to add to our productive capacity and efficiency. Such growth in capacity is the ultimate weapon against inflation. The suspension of the credit would discourage new long-range orders and commitments and this in turn would result in a cutback in investment and capacity at a later period. That result may be entirely inappropriate at that time—for we will want a high level of investment in the years ahead after Vietnam is in back of us.

2. Suspension of investment credit not suitable as short-term restraining factor. There is a considerable "lead time" in carrying out investment projects. The investment credit becomes available when assets are put in service and hence present contracts are being undertaken in reliance on the availability of the credit when the project is completed. Any suspension of the credit would have to provide an exception for projects already under commitment, but which will be completed in the future. Thus suspension of the investment credit would generally not alter investment expenditures of tax revenues for a substantial period of time.

3. Current situation does not require changes in final income tax liabilities. As the President has stated, it is not necessary or desirable to change individual or corporate final tax liabilities at this time in response to the current economic situation associated with Vietnam expenditures. Since the investment credit is a component of final income tax liabilities, it follows that the current situation does not require a suspension of the investment credit.

4. Balance of payments. The investment credit helps the balance of payments in two direct ways: (1) it makes investment here in the U.S. more attractive, and (2) it encourages modernization and cost-cutting to strengthen our export position (including our defensive position vis-a-vis imports). Suspension or reduction of the investment credit in a world in which investment incentives are widely used in foreign tax systems under which our friendly international competitors operate would weaken our international competitive position.

LEAD TIME BETWEEN ORDER AND DELIVERY OF PRODUCTIVE EQUIPMENT

A period of 18 months is sometimes cited as the average lead time between contractual commitment and completion of capital projects in American industry. This rule of thumb includes both plant and equipment, a broader category than section 38 property. There are of course wide differences among investment. Many items such as office equipment and certain standard types of production machinery can normally be delivered within a few months. On the other hand, such investments as large aircraft, large electric generating plants, blast furnaces, heavy production equipment, and chemical processing equipment systems, may take two or three years or more to complete and place in service following the initial contract.

The design of specialized equipment requires considerable time, and the trend toward increasing use of specialized equipment makes this an increasingly important factor in the lead time for capital projects.

Against this background, it has been estimated that some 40 percent of equipment subject to the credit has an order-to-delivery time of not more than one or two quarters, another 40 percent has a delivery time of three or four quarters, and another 20 percent has delivery times ranging between one year and three and one-half years with an average of about two years. Some additional time would elapse between delivery and actual installation or placement in use in some cases.

The over-all weighted average time between contract and placement in use of productive equipment eligible for the investment credit is therefore estimated at between three quarters and a year. If some allowance is made for necessary advance scheduling of equipment purchases to be installed as building construction is completed, the over-all average lead time may be somewhat longer.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, if I could induce the Senator from Delaware [Mr. WILLIAMS] to proceed now, I do not think there would be objection to a unanimous-consent request; and I would like the privilege of following him with a brief speech on the President's recommendation.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator from Delaware [Mr. WILLIAMS] may proceed as he may desire, if agreeable to the minority leader, in respect to the subject to which he wishes to address himself.

The PRESIDING OFFICER. Is there objection to the Senator from Delaware [Mr. WILLIAMS] speaking for an unlimited period during the morning hour?

Mr. ELLENDER. Mr. President, reserving the right to object, would it be for 15 or 20 minutes?

Mr. DIRKSEN. Yes.

Mr. WILLIAMS of Delaware. No. When I speak, it will be with no limitation, but it should not take more than 15 to 20 minutes.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 10 minutes at this time.

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

Mr. JAVITS. I yield.

U.S. POLICY IN EUROPE

Mr. DIRKSEN. Mr. President, the question of our policy in Europe is much the issue today. There is increasing concern over our policy insofar as the North Atlantic Treaty Organization is concerned. The policies of French President de Gaulle have, to some degree, undermined NATO's outdated strength.

The distinguished chief of bureau for Copley Newspapers in Washington recently toured the NATO countries sizing up the strength and weaknesses of this alliance. In view of the considerable controversy which has developed over whether or not we should reduce our European forces, I believe these series of articles by Mr. McHugh on the conclusions drawn from his tour will be worth reading.

Mr. President, on behalf of the Senator from Iowa [Mr. MILLER], I ask unanimous consent that these articles be printed in the RECORD.

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

[From the Nashville Banner, Aug. 22, 1966]

THE CURRENT CRISIS IN NATO—MANY FEEL IT'S TOO SUCCESSFUL

(By Ray McHugh)

PARIS.—Can success spoil NATO?

A month's tour of Western Europe indicates the answer is "yes, unless."

From Gen. Lyman Lemnitzer, supreme allied commander, on down, wrinkles of worry are growing deeper. A military organization that has been painstakingly forged into a model of international cooperation has suddenly developed major cracks. More threaten.

"The need is the same," insists Lemnitzer. "The military situation that confronts us is unchanged. The Soviets still have 22 divisions in East Germany and the quality and nuclear potential of the Soviet army is improving steadily."

RAPID CHANGES

But the situation in Lemnitzer's own command is shifting rapidly and the political climate in Western Europe is changing.

France has withdrawn her forces and has ordered NATO units out of France. Even Lemnitzer's Supreme Headquarters Allied Powers Europe (SHAPE) and the NATO council are preparing to pull up stakes and move to Belgium.

Britain, confronted with a major economic crisis, plans to call home as many as half of its 50,000-man Army of the Rhine.

West Germany, straining to keep 13 divisions in the field, is under heavy pressure to add one or two more.

The United States, deeply involved in Viet Nam, hears growing demands for cutbacks in its NATO force of approximately 235,000 men.

SUDDENLY SELFISH?

To many Americans, Western Europe seems suddenly selfish, forgetful of her wartime and post war debts to America, willing and anxious to turn all her defense costs over to Washington and the U.S. taxpayer, and deaf to requests for Viet Nam aid.

The temptation is strong for Americans to say: "OK, we'll go home."

But the United States cannot afford to go home.

A major American withdrawal from Europe could court disaster from three quarters:

Russia, where a powerful Soviet army might be tempted to seek a quick "conventional" solution in Germany.

France where President Charles de Gaulle would be free to pursue his "Europe for the Europeans policy" that is transparently anti-American.

West Germany, where Europe's most powerful industrial machine would be rudderless and free to drift into the dangerous nationalism that has plagued this continent for a century.

De Gaulle's withdrawal from NATO and his pointed independence from U.S. policy is the only one symptom of a general shift in Europe's attitudes.

From capitals like Paris, Geneva, Rome and Copenhagen, the Russian bear seems to be sleeping. The fear of Soviet aggression has receded. The wall that NATO built has held. Behind it Western Europe has achieved unmatched prosperity—based largely on U.S. dollars. The common market is growing stronger although old nationalistic prejudices have not disappeared.

TOO SUCCESSFUL

Why then should Europe lose interest in NATO?

"It's been too successful," said one Danish editor. "It's given people and politicians the luxury of complacency."

Defense budgets are shrinking as political leaders and parliaments stress welfare programs, many of which could be branded as socialistic. The lure of trade with the Communist east has fanned the hopes of "detente," although it appears based more on wishful thinking than on hard realism.

"There's a tendency to let Uncle Sam worry about defenses," admitted one Italian conservative. "People think that your missiles buried in Nebraska and your Polaris submarines give them all the security they need.

"The changes in Russia's attitude also figure in this. The Soviets don't want a war in Europe—at least we don't think they want one. They have major economic problems at home. They have to find some way of satisfying the growing consumer demand.

NATIONAL RIVALRY

"And they have the problem of China."

Western Europe is more impressed with the national rivalry between Russia and China then their ideological similarities.

All this has complicated Lemnitzer's task. The French withdrawal from NATO's integrated command leaves a gaping hole in the German defense line and robs NATO planners of vital French bases and supply and communications networks.

France will keep approximately 75,000 men in West Germany under a bilateral agreement, but Lemnitzer says "since I don't command them, I can't count on them."

Britain's expected cutback in the Army of the Rhine and the recall of several thousand American troops who have been in France add to his problems.

Officially, Lemnitzer is still committed to a "forward" defense in the event of a Russian attack, but unofficially NATO officers admit that their strategy is undergoing major reappraisals.

CONCENTRATION

With France removed, NATO strategy is expected to concentrate on defense of the ports of Northern Germany and the low countries and on the natural mountain barriers of Bavaria. The maintenance of an in-depth defense of central Germany will depend largely on Bonn's ability to increase its military force.

The importance of a continuing large U.S. commitment to NATO is best understood in Germany.

"There is no magic number," said a member of Bonn's parliament. "It's not so important that you have 275,000 men in Germany or 250,000 or 200,000.

"What is important is that you have a sizable force that assures all of Europe—especially Russia—that American troops will be immediately involved if there is an attack.

"If you were to recall those troops, the results would be a calamity," he said.

CHOICE UNWANTED

The Bonn government is carefully avoiding any choice between the United States and De Gaulle.

"We want good relations with both and we want NATO," said a German general. "But if the United States withdraws, France is our only hope. We must have a nuclear force to support our army.

"I pray that such a situation does not develop. NATO would be dead. It would mean a return to old national alliances. It would be only a matter of time before someone would ignite old hatreds and Europe would be torn apart again."

[From the Nashville Banner, Aug. 23, 1966]

THE CURRENT CRISIS IN NATO—NEW EFFICIENT GERMAN SOLDIER OVERCOMES PAST

(By Ray McHugh)

BAD REICHENHALL, WEST GERMANY.—Wolfgang Weber is the kind of man NATO needs.

Weber, 28, is an oberleutnant in the new West German Army. He is an intelligent, skilled, tough and politically conscious professional soldier. He commands a company in the German First Mountain Division, a crack division trained and equipped to fight in the rugged Alps of Southern Germany and France, in the mountains of Italy, or even in the tough terrain of Norway.

Weber represents what the world hopes is the "new breed" of German soldier. He has served eight years in the army. He was born in 1938, the year Hitler marched into Czechoslovakia. He spent his childhood in Heilbronn in Southern Germany, a city that was punished terribly by allied bombers.

DEEP MISTRUST

Now he practices a profession that bears a stigma in his own country and provokes deep mistrust in many parts of the world where memories of German militarism are still fresh and frightening.

"It's not always easy to be a German soldier," admits Weber. "But the situation is improving. This isn't the old autocratic, Prussian-style army. It's organized as a NATO army—not to fight alone, but to fight in concert with allies, especially the Americans."

Weber's division, which numbers about 13,000 men, is spread across the southeastern corner of West Germany. It is headquartered in old "Kasernes" in picturesque Bad Reichenhall, Garmisch-Parten-Kirchen and Berchtesgaden, Hitler's famous Bavarian retreat.

The division's field positions are secret, but some units obviously keep watch on the Czechoslovakian border. To the north, the division links up with American 7th Army units. To the west, it ties into two French divisions.

CLOSE TIES

Although France has withdrawn from NATO's integrated command, the Germans are maintaining close bilateral liaison with the French units.

"We just carried out a joint training exercise with some French alpine units," said Weber.

The mountain division, commanded by Gen. Carl Thilo, a World War II member of the German general staff, is one of three elite divisions in the 13-division Bonn army. The other two are airborne divisions.

About 40 per cent of the mountain division is made up of volunteers. The remainder are conscripts who serve for 18 months. All German youths are subject to military service. There are no exemptions for educational reasons, marriage or paternity.

"If a man passes the physical examination, he must serve," explained one army official. "If he is in a university he can defer service until he receives his diploma, but he cannot avoid it."

The West German army is getting all available manpower, but it isn't keeping enough. High civilian wages, coupled with an understandable aversion to things military, pose serious problems.

OFFICERS NEEDED

"We are desperately short of junior officers," said a German colonel. "We have a nucleus of fine professional soldiers in the higher ranks—men with experience during World War II. But we aren't getting enough young officers and sergeants to train our conscripts and to form the framework of our divisions."

The Bonn government is considering new incentive programs to increase the rate of reenlistment. The need has been emphasized by the series of crashes of West German F-104 Starfighter jets and by the growing demands for one or two more divisions to offset British, French and possible American withdrawals.

The Starfighter crashes have been blamed on inadequate pilot training and on inadequate ground maintenance.

"We just don't keep men long enough to develop the necessary proficiency," said one Luftwaffe officer.

U.S. Army and Air Force teams are stepping up their technical assistance programs to help the Germans. The blue-green uniforms of the new army are distinctively German, but its equipment is distinctively American.

PATTON TANKS

The first mountain division trains with U.S.-supplied artillery, tanks, helicopters, radio and electronic gear, rifles, mortars, machineguns and even Honest John rockets. One brigade is equipped with American Patton tanks that will soon be replaced by the main battle tank, a joint U.S.-German design.

Small groups of specialists also have been trained in handling American tactical atomic weapons. Such weapons could be released to NATO forces in time of war.

All this points up why men like Oberleutnant Wolfgang Weber are so important to NATO. The forward defense line in Europe is becoming more and more the responsibility of the German army and its young officers.

German influence in NATO is growing steadily. Gen. Johann Adolf Count Von Kielmansegg was recently named commander-in-chief of allied forces in central Europe. He is responsible directly to Gen.

Lyman Lemnitzer, supreme allied commander.

The German Panzer veteran directs all American, British and West German troops from the Baltic to Bavaria.

SOME WORRIED

A German general may also be named commander of the northern army group when Britain carries out her planned "thin-out" of forces and a German may be named deputy supreme NATO commander in September when British Air Marshal Sir Thomas Pike retires.

This increasingly prominent German role in NATO worries some Europeans, but American military men generally support it.

"If we expect Bonn to supply most of the manpower, we can't deny them the key commands," said one.

The sharp-eyed Weber seeks to reassure any who might be suspicious about German intentions.

"In the past our army has been too rigid, too insular," he says. "Our officers ignored politics. They felt their responsibilities were only military.

"Today we have a different army. We don't meddle in politics—that would be dangerous—but we are aware of politics. In the past the German officer was content to be just a soldier. Today he must be a citizen, too."

[From the Nashville Banner, Aug. 24, 1966]

THE CURRENT CRISIS IN NATO—DENMARK WELL AWARE COLD WAR IS UNFINISHED BUSINESS

(By Ray McHugh)

COPENHAGEN.—The radar screens in Denmark's royal naval base in the heart of Copenhagen bear minute-by-minute reminders that the cold war is unfinished business.

Tell-tale "bips" give the location of a Communist ship that keeps constant watch over traffic in and out of Copenhagen's busy harbor, with a particular eye to Denmark's tiny but highly efficient navy.

"We call him 'chum,'" said Capt. N. F. Lange, vice chief of staff. "Sometimes he's Russian, sometimes Polish, sometimes East German. But they always have a ship out there.

"The East Germans maintain another watch to the south, off the Baltic ports of West Germany and southern Denmark."

NO COMPLACENCY

Inside the base and aboard Danish warships that comprise NATO's "cork in the Baltic," there is no complacency about the Communist threat. There is no note of discontent with the North Atlantic Treaty Organization. In fact, all communications inside Denmark's navy are in English—the NATO language.

"NATO is absolutely essential for Denmark," said Vice Adm. S. S. Thostrup, commander in chief of the Royal Danish Navy. "We are a small country, situated in one of the world's most important points. We control the passage between the Baltic and the North Sea and between Germany and Scandinavia.

"But we couldn't control it alone in time of war. We would need help. And in event of war, Denmark could not escape."

Thostrup gave this summary of Warsaw Pact vs. NATO strength in the Baltic:

	Communist	*NATO*
Destroyers	50	20
Cruisers	5	0
Torpedo boats	200	60
Submarines	80	10
Landing craft	200	10
Minelayers and minesweepers	475	115

"It's obvious from these figures that a serious military thrust could be aimed at us," said Thostrup. "Right now the Baltic is quiet. You might call it 'dormant tension.' If it comes alive, NATO is our response."

NATO strength in the Baltic is made up largely of Danish, West German and Norwegian ships, backed by Allied air forces and West German and Danish ground forces.

NEUTRALITY SOUGHT

The military man's assessment of Denmark's role, however, is not always shared. Strong elements in the Danish population still long for a return to neutrality—a Danish doctrine that lasted more than 100 years until Hitler tore it to shreds in 1940.

Bitter memories of the German occupation complicate NATO cooperation in the Baltic. Only after the most cautious negotiations, did Denmark agree to the formation of the Baltic approaches command in 1961.

There were riots when West German troops came to Jutland for joint maneuvers three years ago and anti-German feeling is always worrisome.

"We get along splendidly with the West German navy," said one Danish officer. "But I confess that whenever I invite a German officer to my home, I consider the guest list very carefully. Some Danes simply will not eat or drink with Germans."

IMPROVEMENT

Niels Noroland, editor of Berlinske Tigende, Denmark's biggest newspapers, sees improvement.

"The German tourist is now being accepted," he said, "and German business people have good relations with Danish firms. We had a big German contingent in our recent royal regatta."

"But the old animosity is never far beneath the surface. It will take at least another generation to get rid of it."

Danes who support membership in NATO ironically are breathing quiet thanks to French President Charles de Gaulle.

"We had anticipated a real fight over continued NATO membership when the treaty was opened for withdrawal in 1969," said one. "The leftist political groups and the neutralists were preparing a major campaign.

"But then De Gaulle pulled France out of the NATO Command. Suddenly a lot of people were frightened. They realized how alone we would be if NATO collapsed. No, I don't think we have to worry too much about any demands for withdrawal in 1969."

AUTHORITARIAN

De Gaulle's go-it-alone policy and his talk of a "Europe for the Europeans" has little attraction for the Danes.

"It sounds very authoritarian," said one government official. "And we have good reason to suspect authoritarian movements in Europe."

Denmark recently suggested that NATO probe the possibility of talks with the Warsaw Pact countries in an effort to ease tensions and to offset De Gaulle's personal overture to Moscow. The suggestion was voted down and Denmark received some sharp criticism. It was not emphasized, however, that the Danes made it plain that, unlike De Gaulle, they did not propose any European conference without the United States.

"We are very anxious that America remain a part of Europe," said one leading businessman.

Like her NATO partners to the south, however, Denmark shows a tendency to cut her own military spending, seemingly content to rely on the massive nuclear might of the United States to prevent war.

"Defense spending now ranks 12th in our national budget," said one naval officer.

PINCH COMING

The pinch on Denmark's services will not be long in coming. The navy is completing work on two frigates that represent the end of a six-year shipbuilding program. Half of the program was financed by the United States.

"From now on we're going to have to dig deep into our own pockets," said Capt. J. Y. Stilling, skipper of one of the frigates, the Peder Skram. "It's going to be difficult."

Denmark's navy has a watch charm quality about it—small ships and small crews that nevertheless seem fashioned into a highly potent force.

Designed to operate in the narrow and often shallow waters of the Skaggerat, the Kattegat and thousands of bays and inlets, the navy puts emphasis on frigates, motor torpedo boats, minelayers and minesweepers and small submarines.

Denmark has only 42 miles of land frontier with West Germany, but it has 4,600 miles of coastline.

"In case of war we would have to act quickly," said Capt. Lange. "We would have to launch immediate mining operations and we would have to send our topedo boats and submarines into the Baltic to screen the minelayers.

"And we would have to fight to keep allied sea lanes open."

With this in mind, approximately 75 per cent of Denmark's ships are maintained in what the navy calls "a high state of readiness."

"We couldn't expect much warning," said Lange.

[From the Nashville Banner, Aug. 25, 1966]

THE CURRENT CRISIS IN NATO—DE GAULLE'S PULLOUT LEAVES MAJOR GAPS TO FILL

(By Ray McHugh)

ROME.—In Central Europe the strength of the North Atlantic Treaty Organization is readily evident.

Big jet air bases and sprawling supply depots line Germany's autobahns. Black silhouettes of tanks are posted along military roads. American, English, French and West Germany military convoys are frequent sights.

In Southern Europe the pattern changes. Here allied power is largely represented by the American 6th Fleet in the Mediterranean, by the silent Polaris submarines that slip in and out of rotation in non-NATO Spain, and by Britain's weakened but still strategic bases in Malta, Gilbraltar and Libya.

The two regions of the Atlantic alliance share one major problem—they must fill the gap left by French President Charles de Gaulle's decision to quit NATO's integrated military command.

LITTLE EFFECT

To the east, in Greece and Turkey, De Gaulle's moves have apparently had little effect. Turkey maintains the largest army in NATO's southern tier and it is described by allied officers as "a top-notch, tough fighting force."

Greece is also described as "keeping her commitments." Greek Premier Stephen Stephenopoulos recently called NATO his country's guarantee against three Communist neighbors—Yugoslavia, Bulgaria and Albania.

The Greek-Turkish feud over Cyprus continues to trouble NATO officers here and in Paris. Lyman Lemnitzer, supreme allied commander, is credited with personally intervening to avoid a war over Cyprus two years ago.

"So far Gen. Lemnitzer's words still carry weight," said a British general on the NATO staff. "The Cyprus problem has not been solved, but a good deal of heat has gone out of it. The people are talking about it reasonably, so we can hope for the best."

SUSPICIOUS

Italians are suspicious of De Gaulle's independent moves.

"He's presumptuous," said one government official. "Compared with the United States

or Russia, he has no power, yet he presumes to lead Europe. It's nonsense."

In other quarters, however, there is a bit of Latin envy mixed with the suspicions. Some wish it were an Italian premier who was tweaking the American nose.

The withdrawal of French military units does not cause the same cries of pain in Rome that are heard in Paris and London and Bonn.

"Most Italians regard NATO as merely the gloss over basically a U.S.-Italian treaty," explained a high-ranking American diplomat. "They didn't count on French military protection, so they are not too concerned.

"If we pulled our 6th Fleet out of the Mediterranean, it would be a far different story."

MOST ATTENTION

It is Spain, however, that attracts most NATO attention in the Mediterranean.

The strategic geography of the Iberian peninsula has always been recognized by allied military strategists. Now it has equal political appeal.

"If we could bring Spain into NATO quickly, it would offset much of the damage done by De Gaulle," said an American diplomat in Madrid.

Despite official aloofness, it is an open secret in Madrid that Spain would welcome an invitation to join the alliance.

The government of Gen. Francisco Franco has embarked on a determined program to rejoin the Western European society of nations.

Ostracized since the civil war of the late thirties, Spain feels she is now on the threshold of respectability.

THE TRIGGER

The bilateral military agreement with the United States that brought nuclear bombers and a billion-dollar arms program to Spain in 1954 served as a trigger for a major economic revival.

For the last five years Spain has boasted the highest rate of growth in the Western world. She is now seeking associate membership in the Common Market and looks forward to full membership. Foreign investments are soaring and U.S. firms are putting up about half the money.

The ordinary citizens of Western Europe have already forgotten Spain's "police state" reputation. More than 16 million tourists are expected this year—that's one for every two Spaniards.

The memories of governments sometimes are longer. Opposition to NATO membership for Spain is still strong in Britain, The Netherlands, Norway and Denmark. Countries which suffered much during World War II still link Franco with Hitler and Mussolini. Leftist elements in these nations miss no opportunity to keep the issue alive.

POLITICAL STORM

"The Danes recognize the logic of bringing Franco into NATO," said editor Niels Noroland of Copenhagen's Berlinske Tigende, "but no Danish government would indorse such a move. It would touch off a political storm."

Despite such obstacles, the United States is quietly pushing NATO membership for Spain. The move gained momentum in Washington recently when the House Foreign Affairs Committee recommended such action.

In addition to offsetting the French withdrawal, NATO membership would solve a major U.S. headache. Its base agreements with Spain expire in 1968.

The big Strategic Air Command fields near Madrid and Seville may be nearing obsolescence as intercontinental missiles and longer range bombers come into use. But they may still be essential in 1968.

The American submarine base at Rota is regarded as "marginal" by some diplomats as longer-range Polaris missiles come into the fleet. Here again, there is a question if they could be sacrificed by 1968.

AN EXAMPLE

The State Department and the Pentagon will undoubtedly disagree on the importance of the bases when talks are opened.

A top American diplomat in Madrid, however, indicated the State Department is anxious to make Spain an example of a nation where the United States willingly withdrew its military installations as the need for them declined.

"It would be evidence to the whole world," he said, "that we do not intend to remain in foreign bases indefinitely. It would be proof that our honest concern is limited to their defense, not 'exploitation' as the Communists claim."

If Spain were admitted to NATO, he added, "the problem would be solved.

"We could turn over the bases, have them designated as NATO commands, and everyone would be happy."

American diplomats also think Gibraltar might be designated as a NATO base under such circumstances, thus removing a point of friction between Britain and Spain.

NO MATCH

It would not be accurate to say that Spain could make a contribution to NATO equal to that of France. It does not occupy the same strategic position. It cannot match French military, industrial or economic power.

But its entry would give the alliance a psychological shot in the arm.

And in the summer of 1966, NATO needs it.

Far-seeing European statesmen have long hoped that the alliance would be the foundation for eventual political union. Now they are face-to-face with the prospect that Western Europe may be drifting toward a peculiar form of nationalist isolationism—a notion that separate countries, subject to old prejudices, can somehow live safely between two balancing arrays of nuclear rockets.

Mr. JAVITS. Mr. President, I ask unanimous consent to proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, the Senator may proceed for 10 minutes.

THE PRESIDENT'S TAX MESSAGE

Mr. JAVITS. Mr. President, for the past 8 months the President has missed opportunity after opportunity to deal effectively with the serious inflation confronting our economy, and it is serious. We heard an appraisal made by a distinguished economist in one of the subcommittees of the Joint Economic Committee this morning in which he concluded that we were over the hill and we could not stop the inflation except by recession or depression throughout the world. That is how serious it is in the opinion of may competent people.

When the President finally acted yesterday, in my opinion, he took the line of least resistance which is the line least likely to dampen the inflation. Neither the suspension of the investment tax credit nor the suspension of accelerated depreciation of buildings, both of which he recommended, will have much, if any, revenue effect this year; and, indeed, very limited effect on new investment as long as overall demand continues at the present rate in all other areas of the economy. The amounts involved are so small—coming to something in the area of $2 billion to $2.5 billion—that they would have no real impact, aside from a carryover, on the restraint of inflation.

The President, laying political motives aside, has to meet the issue. The only way to meet the issue is to recommend a tax increase. I understand it would be much more difficult, but it has to be done. This tax increase could be temporary and it should be special for the Vietnam war. It should be across the board and amount to something between 7 to 10 percent which would produce tax revenues of something in the area of $7.5 billion to $10 billion.

Therefore, only this kind of action, coupled with the action I would recommend, would permit lowering of interest rates, general easing of credit conditions, and would have a chance to abate what looks like runaway inflation.

In addition to a tax increase—and there is no substitute for it; what the President has proposed now is no protection against the continuation of inflation—I believe that he must do the following things: First, institute a voluntary credit restraint program modeled after the Korean war program to encourage lending institutions to extend credit in such a way as to help increase the strength of the economy without increasing inflationary pressures, while meeting the requirements of the war in Vietnam.

The reason legislation is necessary in this area is that otherwise the banks will not engage in it because it is in violation of the antitrust laws. During the Korean war we allowed them to do this and we must allow them again. On August 16 I introduced legislation that would make such a program possible.

We must conduct immediately a complete reappraisal of our farm programs. We are all aware of the spiraling costs of food to the consumer. This is bringing about a strong rise in the cost of living.

The huge drain on our agriculture surpluses, in great part due to our increased participation in feeding hungry peoples all over the world, has brought about a dwindling of our supplies of certain basic commodities, as well as the restriction of agricultural products here. As supplies have dwindled the administration has been blind to the fact that our farm policies need to be changed, particularly with respect to production controls, and now we are faced by an ever-increasing demand pulling prices upward. This turn of events has apparently caught the Department of Agriculture flatfooted and unprepared.

What is needed now is not merely a study of the increased cost of milk and bread by the FTC, as ordered by Secretary Freeman, but a complete reshaping of our present agricultural policies.

While we find that the average income per farm is expected to rise to around $4,600—an increase of 23 percent over the last 2 years—a large segment of the farm population still falls below the poverty line.

Thus, we have to have a program which will take care of the rural poor and which at the same time will not result in measures—and that is what is happening now—which materially increase agricultural and food prices.

The Department of Agriculture is not leading; instead, it is just vainly trying to cope with problems which many feel should have been anticipated some time ago. Our future policies cannot depend upon bread and milk alone—an entire rethinking on agricultural price policy is necessary.

I do not see any solution, either, in that recommended by my friend Representative PATMAN, to place specific limitations on the interest payable on time deposits. It does not go to the heart of the problem, which is the improper mix of monetary and foreign policy. The House, while rejecting the Patman plan, has just passed legislation giving the Federal Reserve additional authority to aid in curbing interest rates.

I think that legislation is all right, but again, it is only one little step, when major steps need to be taken because we are in grave trouble and in a grave emergency.

Finally, notwithstanding the tremendous deterioration of the international position and especially the deterioration of Britain's position—and she is in the gravest danger financially right now—the administration is still not breathing new life into our international monetary system by seeking international monetary reform and an international conference on that score. While some progress has been made at the technical level, it has not been matched by an adequate sense of urgency at the highest political levels. We are living today with a low-grade crisis which could become a raging crisis if a major shock to the system such as a pound sterling devaluation should occur.

Thus, Mr. President, to recapitulate, suspension of the investment tax credit will not do anything appreciable. It is nothing but the mildest kind of palliative. We must devise an increase in taxes. We must have voluntary credit restraints, organized as they were during the Korean war. We must have an agriculture price policy which will meet the inflationary thrust of the cost of food to the housewife. Immediately, we must open international negotiations to really save the pound and to save the international monetary situation.

Mr. President, I predict that if the President of the United States does those things which are big and proportionate to the size of the emergency now facing this country, there will be an immediate change in the psychology of bankers, investors, and businessmen all over the United States and throughout the world.

I also predict that if we enact only this present program, it will make no difference at all; that we will continue to have serious inflation; and that the situation will continue to deteriorate as it has since early this year, when the President should have acted on this problem. He is failing to act now, whatever his motives are—I will not say that they are political, or anything else—he is our President, and I respect him highly—but he is failing to act in a way which is dangerous to the economy of the United States and is jeopardizing the economy of the whole world.

We have a duty to tell the President what we think, and I am doing that now. The action contemplated is just not big enough. I believe the President is big enough and the country is big enough to take the action which is proportionate to the emergency now facing us, and I urge the President very much to do so.

Mr. President, I ask unanimous consent to have three editorials on this subject printed in the RECORD.

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

[From the Washington Post, Sept. 9, 1966]

FISCAL TRANQUILIZERS

President Johnson has cleared the miasma of fiscal uncertainty that threatened to undermine business confidence. The Administration is now unequivocally on record as recommending strong fiscal restraints to dampen what the President characterizes as "an accelerated boom" in capital spending. Whether the prescribed fiscal tranquilizers are appropriate at this juncture is quite another matter. But the air is likely to be cleared when the Administration's economic doctors are compelled to make a public diagnosis, to present Congress with the forecasts on which the President's urgent request for fiscal restraints is based.

Few observers will quarrel with the President's desire to reduce "low priority Federal expenditures," even though reasonable men may sincerely disagree about priority rankings. But the proposals for suspending the 7 per cent investment tax credit and the use of accelerated depreciation on new commercial and industrial buildings involve issues of crucial importance. The suspensions of these special tax incentives to investment would probably increase tax liabilities and thereby reduce the "cash flow" of the business by about $2.6 billion. But the economic impact of these measures would only be felt after a delay of six to nine months.

Is the President sure that the economy will require the soporific effects of fiscal tranquilizers in mid-1967 or in 1968? His remarks about the need for action to "reduce the burden imposed on the American people by tight money and high interest rates" suggest that there could be something more than a penumbra of doubt. Residential construction has fallen to the levels of 1960. Consumer expenditures, especially those for automobiles are hardly booming. And the latest survey of anticipations by the Commerce Department suggests that capital expenditures will soon level off.

It may well be that the Administration can make a solid case for applying fiscal brakes now. But in order to convince Congress and the public, it will have to lay all of its cards squarely on the table.

[From the Washington Post, Sept. 8, 1966]

WRONG ON BOTH SIDES

Chairman WRIGHT PATMAN of the House Banking Committee and the Administration are at loggerheads. Mr. PATMAN believes that the best way to relieve the current scarcity of mortgage funds is to place a ceiling on the interest rates that banks may pay on small time deposits (under $100,000), a move by which he hopes to divert funds from the commercial banks to the savings and loan associations. The Administration, as represented by the Treasury, is backing the Stephens bill which grants the Federal Reserve authorities new and very broad powers to control the rates paid on time deposits without specifying a ceiling or level to which rates would be rolled back. Both proposals are in our view wrong-minded and deserve an unceremonious death.

If obeisance to the Marquis of Queensberry rules were the sole criterion by which banking legislation should be judged, virtue would be entirely on Mr. PATMAN's side. He fought in the open while the Treasury's man on Capitol Hill indulged in some very rough and dirty tactics. Nonetheless, Mr. PATMAN is wrong, wrong in theory, wrong in practice. Imposing a ceiling on time-deposit rates will not divert funds to the S&Ls so long as the stock of money is shrinking and interest rates are rising. Why should savers accept Mr. PATMAN's 4½ per cent if more can be earned in corporate bonds or in the stock market? A ceiling on time deposits will be no more effective in checking the outflow from S&L coffers than a wine cork in a water main. Instead of fretting about an interest ceiling and the fate of the S&Ls, Mr. PATMAN should be doing something about the Federal Reserve policies that have restricted the growth of the money stock.

The Stephens bill is equally distasteful. It grants the Federal Reserve Board new and arbitrary powers which it may well abuse. There is no good reason why the monetary authorities should be able to set separate rates for different types and sizes of time deposits. The problem of time deposits—which include the marketable Certificates of Deposit—arose because Congress in the early 1930's forbade banks to pay interest on demand deposits. If that prohibition, which now serves no good purpose, were lifted, much of the difficulty would disappear.

It is unfortunate that the House must choose between the Patman and Stephens bills. It would be far better to have no legislation at all.

[From the Washington Post, Sept. 6, 1966]

WITHDRAW THE TAX CREDIT?

The discussion of whether the Administration should seek the withdrawal of the 7 per cent investment tax-credit is being conducted on a dangerously simplistic level. Proponents of withdrawal speak as if the action would immediately dampen the so-called "capital equipment boom," thereby reducing upward pressures on prices and wages. But they fail to take into account time lags that have a mischievous way of adding complexity to seemingly obvious propositions in economic policy.

Suppose that the practitioners of the "new economics" prevail and that Congress in October withdraws tax credit for all business equipment that is ordered after Nov. 1: At current levels of expenditures for business equipment, the investment tax credit reduces business tax liabilities by $2.1 billion. But it cannot be assumed that the repeal of the credit will have an immediate impact on the production of capital equipment.

The equipment against which the bulk of the tax credit is applied is not taken from shelves. It must be ordered, and there is an average lag of 9 or 10 months between the time of a go-ahead decision—a capital authorization or appropriation—and the installation of credit-eligible equipment. Largely because of this order-delivery lag, only about half the impact of withdrawing the tax credit would be felt within the first year. New orders for business equipment would be quickly reduced, but there would be no immediate impact on levels of production in the business equipment industries. Indeed, the production impact, which is the crucial element in reducing inflationary pressures, would hardly be discernible in the first five or six months after the repeal of the tax credit.

In light of the delayed impacts, the Administration must decide whether it should propose action now that would markedly reduce the production of capital equipment in 1967 and 1968. Repealing the investment credit-tax would make sense if the Administration was confident that the country would be confronted by an excessively high level of aggregative demand at that time. Presumably the White House has detailed economic forecasts for 1967–68. They should be subjected to public scrutiny in the event that a decision is made to request the withdrawal of the investment tax-credit.

COMMENTS ON PRESIDENTIAL APPROVAL OF AGRICULTURAL BILL

Mr. HOLLAND. Mr. President, I ask unanimous consent to proceed for 6 minutes in the morning hour.

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

Mr. HOLLAND. Mr. President, I noted on the front page of the Evening Star of yesterday, September 8, a news article entitled "Johnson Signs $6.99 Billion Agriculture Bill" covering the fact that President Johnson yesterday signed the annual appropriations bill for the Department of Agriculture and related agencies. The article stated that the President had released a statement to the effect that "the $6.99 billion bill was $312.5 million more than he requested" and the President was quoted directly as saying "during a period when we are making every effort to moderate inflationary pressures, this degree of increase is, I believe, most unwise." Since the President has obviously been furnished with inaccurate figures from some source, and since I believe that the Senate and the House which passed this measure by almost unanimous votes are entitled to have the accurate facts spread of record, I wish to advise that I have checked today with the chairman of the House Agriculture Appropriations Subcommittee, Congressman WHITTEN, and find that his understanding of the situation is exactly the same as mine and that he, too, feels that the members of the Appropriations Committees of both bodies and in fact the entire membership of both the House and the Senate are entitled to have the actual facts spread upon the record which I do as follows:

The spending budget submitted by the President was actually $28,347,850 larger than the spending budget contained in the conference report and approved by both Houses, thus becoming the appropriations bill for 1967 as approved by the President yesterday. I repeat, that the President's spending budget was over $28 million greater than the spending budget approved by Congress and embodied in the bill. The actual details of this matter are set forth accurately in the comparative statement which I filed for the record at the time of submission and approval of the conference report by the Senate and this comparative statement is printed in full in the CONGRESSIONAL RECORD of August 24, 1966, on pages 20499 to 20501, inclusive. The items in which the Congress increased the amounts shown by the President's budget are shown in full by said comparative statement, as are the items where the President's budget was decreased.

The largest items of decrease are: $7,333,000 decrease in the budgeted recommendation for "Expenses for the Agricultural Stabilization and Conservation Service"; $150 million decrease in the budgeted recommendation of $200 million for the crop land adjustment program; $4 million decrease for rural housing grants; $60 million reduction in the estimates for the International Wheat Agreement; and $13 million decrease of the budgeted amount for bartered materials for supplemental stockpile.

The largest items of increase are as follows: $30,438,400 total increase for the Agricultural Research Service; $11 million for the Cooperative State Research Service; $3 million for the Cooperative Extension Service payments to the States; $5,789,000 for the Soil Conservation Service; $30 million for special milk program; and $27,855,000 for the school lunch program.

Another sizable apparent increase of $110 million for the food stamp program was not an increase at all since the bill reduced the budgeted amount of the food stamp program from $150 million to $140 million. The only reason the $110 million appears as an increase is that it is appropriated out of general revenue instead of out of section 32 funds as proposed by the budget. Considering this fact, the actual reduction of our bill below the budget might have been stated at $138 million-plus, rather than the $28 million recited in my compilation.

At this point, I feel I should say that the committees of Congress felt keenly that the President's budget was quite inrealistic in providing for the research programs, both Federal and cooperative grants to States, for the Agricultural Extension Service, for the school lunch program and the special milk program as well as for the advance authorization for the ACP program and others.

It is true that our bill stepped up the authorized amounts for loans for the Rural Electrification Administration and the operating loans for the Farmers Home Administration, but in both cases these loans are repayable, as to principal and interest, and history has shown that they are actually repaid almost 100 percent. These authorizations were not included, of course, in the spending budget either as stated in the President's budget or as included in our appropriations bill.

I think it is also appropriate to say that in several instances the appropriations bill insisted upon including expenditures under the traditional formula for distribution to the States as authorized by law rather than in turning over sizable amounts to be spent at the discretion of the Secretary of Agriculture as recommended by the budget. This was the case with reference to the grants for cooperative State research and for cooperative extension programs. All in all, I feel that the action of Congress in working out the details of this particular bill and including them in the bill which was sent to the President showed a keen desire for economy and for continued congressional control of appropriated funds, and was well within the prerogatives of the independent legislative branch of our Government.

Mr. President, I ask unanimous consent to have printed in the RECORD that portion of the article published in the Evening Star dealing with this subject which I have just discussed.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). Is there objection?

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

JOHNSON SIGNS $6.99 BILLION AGRICULTURE BILL—NOTES THAT CONGRESS EXCEEDED REQUEST, WARNS OF TIGHT REIN

President Johnson, describing himself as "deeply disturbed" over the size of the Agriculture Department's appropriations bill for fiscal 1967, signed the measure today, but warned that he will "exercise my authority to control expenditures."

In a statement released by the White House, Johnson said the $6.99 billion bill was $312.5 million more than he requested. "During a period when we are making every effort to moderate inflationary pressures, this degree of increase is, I believe, most unwise," he said.

FULFILL PLEDGE

The statement said he would "reduce expenditures for the programs covered by this bill in an attempt to avert expending more in the coming year than provided in the budget.

"In this way, we can fulfill our pledge to the American people to combat inflation and to maintain a healthy and flourishing economy."

EFFECT OF MIRANDA DECISION ON LAW ENFORCEMENT

Mr. TYDINGS. Mr. President, I wish to call to the attention of my colleagues an interesting survey conducted in the district attorney's office of Los Angeles County regarding the effects of the U.S. Supreme Court's recent decision in *Miranda* v. *Arizona*, 16 L. Ed. 694 (1966), which held that prior to questioning persons suspected of criminal conduct, the police must warn such persons of their right to remain silent and to have advice of counsel. There were a number of public officials, including some Members of this body, who believed this decision, and the Supreme Court's earlier ruling in *Escobedo* v. *Illinois*, 378 U.S. 478, would create significant barriers to effective law enforcement. The survey conducted by Evelle J. Younger, district attorney of the county of Los Angeles, indicates that the Miranda and Escobedo decisions will not have this deleterious effect.

The survey, conducted in the Nation's most active prosecuting offices, covers a 3-week period commencing shortly after the Supreme Court decided Miranda. It deals with cases at the complaint, preliminary hearing, and trial stages of prosecution. On the basis of the facts and figures compiled by his staff, District Attorney Younger concludes that a confession is essential to successful prosecution in only a small number of criminal cases; that, even with the scrupulous warnings that an accused must be given under these recent Supreme Court decisions, the number of defendants making confessions has not diminished significantly; and that the Miranda decision "should not create significant difficulties

in the prosecution of future cases" although the prosecution of some cases commenced prior to the Supreme Court's decision has been made more difficult, due to the fact that, at the time, law-enforcement authorities were naturally unaware of the precise requirements that subsequently would be laid down by the Supreme Court. Furthermore, arrests in Los Angeles County continue to "increase at a consistent and predictable rate," even though the district attorney believes that these decisions have made it "more difficult for the police to ascertain the truth" during investigations.

I believe that this survey is an important document that deserves careful study and analysis by the Congress. I hope that in the coming months other prosecutors will undertake similar surveys. Such studies can provide needed empirical data and, by so doing, can shed light on a subject that has been discussed almost invariably in theoretical terms only, without the aid of hard facts.

Mr. Younger has a long and illustrious career in the administration of criminal justice. He is a former FBI agent, and city prosecutor in Los Angeles. From 1953 to 1958 he has served as a judge of the Los Angeles municipal court, and from 1958 to 1964 he was a judge of the superior court. He has been district attorney of Los Angeles County since 1964. This survey of the impact of recent Supreme Court decisions on the administration of criminal justice compliments Mr. Younger's fine record of public service.

Mr. President, I ask unanimous consent to insert in the RECORD at this point the "Dorado-Miranda Survey," conducted by Evelle J. Younger, district attorney of the county of Los Angeles.

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

DORADO-MIRANDA SURVEY

(Results of survey conducted in the district attorney's office of Los Angeles County regarding the effects of the Dorado and Miranda decisions upon the prosecution of felony cases, Evelle J. Younger, district attorney of the county of Los Angeles, August 4, 1966)

SUMMARIZATION OF THE DORADO AND MIRANDA DECISIONS AND THEIR RETROACTIVE APPLICATION

People v. *Dorado* (62 C.2d 338)

Holding: The Dorado decision holds that when (1) the investigation is no longer a general inquiry into an unsolved crime but has begun to focus on a particular suspect, (2) the suspect is in custody, and (3) the authorities are carrying out a process of interrogations that lends itself to eliciting incriminating statements, then the suspect must be effectively informed of his right to counsel and his absolute right to remain silent.

Retroactive application: In the case of *In Re Lopez* and *Winhoven*, 62 Cal.2d 368, the California Supreme Court held that the Dorado rule does not apply to convictions which became "final" prior to June 22, 1964, the date of the Escobedo decision. The definition of "final" as given by the United States Supreme Court is as follows:

"By final, we mean where the judgment of conviction was rendered, the availability of appeal is exhausted, and the time for petition for certiorari had elapsed before our decision in *Mapp* v. *Ohio*." *Linkletter* v. *Walker*, 381 U.S. 618, 622 fn. 5.

This definition was made applicable to California by *People* v. *Polk*, 62 Cal.2d, 443.

Miranda v. *Arizona* (16 L.ed.2d 694)

Holding: *Miranda* v. *Arizona* may be summarized as follows:

Whenever a person has been taken into custody by the police or otherwise deprived of his freedom of action in any way, he must be advised of the rights listed below. It should be noted that the opinion appears to indicate that a person need not be advised of these rights if the police are engaged in general on-the-scene questioning as to facts surrounding a crime without having taken a suspect into custody or in any other way deprived the person questioned of his freedom of action in any way. The opinion further indicates that if questioning were to be conducted by police officers visiting the residence or place of business of the suspect and there questioning him without taking him into custody, such specification of rights would also probably not be necessary.

The rights of which the person questioned must be forewarned in clear and unequivocal terms are the following:

1. That he has a right to reman silent.
2. That if he gives up this right to remain silent, anything he says can and will be used as evidence against him in court.
3. That he had the right to consult with an attorney and to have that attorney present during the interrogation by the police.
4. If he is unable to afford an attorney, he is entitled to have an attorney appointed to represent him during the course of the interrogation, free of charge.

Once the rights set forth above have all been explained to the suspect the police are not entitled to continue their interrogation of the suspect unless the suspect thereafter affirmatively clearly states that he understands and desires to waive the rights of which he has been advised by the police. If the suspect indicates in any manner, at any time prior to or during the questioning, that he wishes to remain silent or to have an attorney, the interrogation must cease unless an attorney is present. Even though the suspect may make some statements to the police which are either volunteered or made after being advised of these rights and after knowingly and intelligently waiving these rights, the suspect has the right at any time to terminate the interrogation by indicating that he no longer desires to talk to the police or wishes to remain silent. A waiver must be entirely voluntary; any waiver of these rights which is obtained by means of inducement or trickery will be deemed to be an invalid waiver.

Retroactive application: In *Johnson* v. *State of New Jersey*, 16 L. ed. 2d 882, 892, the Supreme Court of the United States has determined what the retroactive effect shall be of the decisions previously rendered in *Escobedo* v. *Illinois*, 378 U.S. 478, and *Miranda* v. *Arizona* as follows:

"* * * Because Escobedo is to be applied prospectively, this holding is available only to persons whose trials began after June 22, 1964, the date on which *Escobedo* was decided. * * * The disagreements among other courts concerning the implications of Escobedo, however, have impelled us to lay down additional guidelines for situations not presented by that case. This we have done in Miranda, and those guidelines are therefore available only to persons whose trials had not begun as of June 13, 1966. * * *"

DORADO-MIRANDA SURVEY—CONCLUSIONS

In an effort to determine to what extent, if at all, the Miranda decision has been harmful to successful prosecution of criminal cases in Los Angeles County, a survey was conducted by members of the staff in this office (see enclosure 1, memo dated 7-28-66). An earlier survey, similar, but involving fewer cases, was made relative to the Dorado decision (see enclosure 2, memo dated 1-4-66). The results appear to justify the following conclusions:

1. Efforts by this office to assist the 48 independent law enforcement agencies in this county to understand and comply with recent decisions [1] have been effective. We are fortunate to have in Los Angeles County police officers who are intelligent and conscientious. When they know the ground rules, they will follow them.

2. Confessions are essential to a successful prosecution in only a small percentage of criminal cases.

3. The percentage of cases in which confessions or admissions were made has not decreased, as might have been anticipated, because of the increased scope of the admonitions required by Miranda.

4. The Miranda decision is causing some problems in the prosecution of current cases filed prior to the decision, but should not create significant difficulties in the prosecution of future cases. Similarly, Dorado created problems, some dramatic and some tragic (see enclosure 3, statement dated 7-14-66), with respect to pending cases; but should not be a major problem in future cases. The one thing we cannot cope with and the thing that disturbs most citizens in and out of law enforcement, is the fact that some of the changes become effective retroactively. If the Supreme Court wants police officers to sing "Yankee Doodle Dandy" to a suspect before taking a confession, we will do our best to see that every police officer in Los Angeles County learns the words and tune and sings at the appropriate time; but we can't anticipate the requirement.

5. In every human being, however noble or depraved, there is a thing called conscience. In some people the conscience is as small as a fly speck; in others it's as big as a grapefruit. Large or small, that conscience usually, or at least often, drives a guilty person to confess. If an individual wants to confess, a warning from a police officer, acting as required by recent decisions, is not likely to discourage him. Those who hope (or fear) these decisions will eliminate confessions as a legitimate law enforcement tool will be disappointed (or relieved).

6. These decisions have not made it impossible for law enforcement to successfully protect lives and property, but, presumably, have made it more difficult for the police to ascertain the truth by curtailing their use of the important investigative device of proper and reasonable interrogation of suspects. These decisions can be harmful to law enforcement in a way that cannot be measured—by preventing a confession at the first confrontation between suspect and policeman and depriving the officer of information necessary to make an arrest. However, arrests in Los Angeles County continue to increase at a consistent and predictable rate.

EVELLE J. YOUNGER,
District Attorney, Los Angeles County.

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[1] Including regular meetings of our County Law Enforcement Coordinating Council; preparation and dissemination of monthly Criminal Intelligence Reports; preparation and dissemination of monthly Law Enforcement Legal Information Bulletins and of a Search Warrant Manual for Police Officers; maintenance of an around-the-clock legal advisory service; dissemination of a soon to be published investigative manual; and, within a few weeks, closed circuit TV training programs conducted weekly by our staff and transmitted to all local police agencies.

[ENCLOSURE 1]

To: Lynn D. Compton, Assistant District Attorney.
From: Earl Osadchey.
Subject: Miranda Survey.
Date: July 28, 1966.

Pursuant to your direction after June 13, 1966, when the Miranda v. Arizona decision was delivered, a survey was undertaken to determine, if possible, the immediate effects of this decision upon the prosecution of current felony cases. This survey was conducted concurrently in the complaint, preliminary, and trial stages of prosecution in this department.

The attached survey questionnaires were distributed to the various divisions affected on June 21, 1966. Because of the normal delay in delivery of these forms via County messenger service, some of the Branch and Area Offices did not actually receive these forms for several days. Therefore, since the survey was ended on July 15, 1966, there was only approximately a three-week sample of cases obtained.

The questions asked on the forms were necessarily not too comprehensive in order to conserve the time of the deputies and to preclude the need for secretarial assistance in filling out the forms.

The following is my personal analysis of the results obtained. It should be borne in mind that the results obtained are subject to several interpretations and that since there is no similar survey available for felony cases processed prior to the Escobedo and Dorado decisions, no correlation is possible of the comparative effects of the pre- and post-Escobedo, Dorado, and Miranda restrictions upon obtaining extrajudicial statements.

As you recall, a "Dorado Survey" was conducted by this department for the week of December 13 through 17, 1965. Please note my memo to you dated January 4, 1966, evaluating the results of this Dorado Survey. I will refer to this Dorado Survey in this present analysis.

It should also be noted that since this present survey follows so closely upon the heels of the Miranda decision that in many of the cases surveyed in the preliminary stage and in most all of the cases in the trial stage the defendants were arrested prior to the Miranda decision when only the Dorado admonition was being given. Therefore, no assumption should be made that the trial of cases where defendants were arrested after the Miranda decision will present the same profile that these cases surveyed in the present preliminary and trial stages reflect.

With these considerations in mind, I respectfully submit the following results and my analysis thereof regarding this "Miranda Survey."

COMPLAINT STAGE

There were requests made for issuance of felony complaints against 1,437 defendants in this sample.

Seven hundred twenty-one, or 50 percent, of the defendants in this sample had made a confession, admission, or other statement. In the Dorado Survey (referred to previously), there were 40 percent of the sample that had made a confession or admission. It is interesting to note that the percent of such extrajudicial statements has not decreased, as might have been anticipated, because of the increased scope of the admonitions required by Miranda over Dorado.

Felony complaints were issued against 828 defendants, or 58 percent of the total defendants in this sample. This compares with our normal issuance and rejection rates.

Of the 828 defendants against whom complaints were issued, 471, or 57 percent, had made confessions, admissions, or other statements. In the previous Dorado Survey, 46 percent of the defendants against whom complaints were issued had made a confession or admission. Of these 471 defendants against whom complaints were issued and who made extrajudicial statements, all but 38 had been given the new Miranda admonition. Of this group of 38 defendants who made extrajudicial statements without benefit of the Miranda admonition, the issuing deputies deemed that 27 of these statements were admissible even without such admonition being given. In the 11 instances where the statements were deemed not admissible, complaints were issued anyway, evidently because there was sufficient evidence without such statements.

When these 471 matters reach the preliminary and trial stages of prosecution, there should be no problems with the admissibility of these extrajudicial statements due to Miranda.

It is obvious from this sample of 1,437 defendants that the law enforcement agencies almost immediately after the Miranda decision was returned commenced complying with its requirements. The new Miranda admonition was given to over 1,100 of these defendants. Most of the balance of these defendants apparently were not as yet in custody when the request for a complaint was made and, therefore, no admonition could be given.

Of the 250 rejections of requests for complaints wherein extrajudicial statements had been made, in only 3 instances, or 1 percent of this category, were the reasons for such rejections the fact that the statement was not admissible because of Miranda and evidently insufficient evidence without such statement for the issuance of a complaint.

There were 357 defendants against whom complaints were issued even though no extrajudicial statement was obtained. Seventy-nine defendants of this group were not in custody at the time the request for issuance was made.

In the category containing 359 defendants wherein requests for complaints were rejected and no extrajudicial statement had been obtained, 224 defendants had been given the Miranda admonition. However, of this group of 224 defendants given the Miranda admonition, the reasons for the rejections of 106 of these matters was because of insufficient evidence or insufficient connecting evidence.

However, the argument that might be made that if the Miranda admonition had not been required in these 106 instances a confession or admission might have been obtained which would have satisfied the necessary connecting evidence is very weak, since it could be based only upon speculation.

I believe that the only valid conclusion that can be drawn is that police officers are complying with the new rules required by Miranda and that the extrajudicial statements which they are obtaining from defendants who have been arrested since the Miranda decision are admissible in evidence. There has been no decrease in the percent of complaints issued to those rejected or in the percentage of admissible extrajudicial statements obtained as compared to the Dorado Survey that was conducted in December, 1965. So it appears from this limited survey that we are in no worse a position with regard to the problems involved in processing cases because of the new ground rules laid down by Miranda than we were with the rules prescribed by Dorado.

It should be noted that since neither of these two surveys attempted a correlation with pre-Escobedo cases wherein confessions or admissions were obtained, it cannot be determined what effect these decisions are having upon the police departments' efforts in solving crimes. We only obtain those requests for complaints wherein the police officers are satisfied that they have sufficient evidence to establish the corpus and sufficient connecting evidence regarding the particular suspect. We cannot tell from this present survey how many cases we are not even seeing from the police agencies.

PRELIMINARY STAGE

There were survey forms completed on 665 defendants processed in the preliminary stage. Five hundred ninety-nine, or 90 percent, of these defendants were held to answer. This compares favorably with the 1965 figures published by the California Bureau of Criminal Statistics which show that 81 percent of the felony complaints issued resulted in felony filings in the Superior Court for Los Angeles County.

Of these defendants who were held to answer, 160 had made a confession, admission, or other statement which was admitted in evidence. Evidently, these 160 extrajudicial statements that were admitted in evidence involved defendants who were arrested subsequent to the Miranda decision or the statements did not come within the Miranda rule.

There were 16 defendants who were held to answer where their extrajudicial statements were offered but not admitted in evidence. Fifteen of these statements were rejected because of Miranda. We can only speculate as to whether lack of this additional evidence will reduce the chances of obtaining convictions when these 15 cases are tried in the Superior Court.

It is interesting to note that in the preliminary hearings of 422 defendants, or 70 percent of the total defendants that were held to answer, no confessions, admissions, or other statements were offered in evidence. This would indicate that most of the cases processed through the preliminary stage do not require extrajudicial statements for success in holding defendants to answer.

Complaints affecting 66 defendants were dismissed during the preliminary stage. With regard to 6 defendants, or 9 percent of these dismissals, there was an extrajudicial statement offered which was not admitted in evidence because of Miranda. However, 4 of these 6 dismissals involved complaints filed prior to the Miranda ruling.

There were also 6 dismissals where there had been an extrajudicial statement that was admitted in evidence.

It would appear from this survey that even though there were 6 cases where the extrajudicial statements offered were not admitted because of Miranda and the complaint was dismissed, that this problem will not continue in the future since the confessions and admissions now being obtained do comply with the Miranda rules.

The Miranda ruling does not appear to be affecting our success in prosecution at the preliminary stage.

TRIAL STAGE

There were completed survey forms returned on 678 defendants processed in the trial stage.

I would like to again caution against projecting the results obtained from this survey of the trial stage for the purpose of seeking a valid prognosis of future trial matters since almost all of these defendants were arrested and the complaints issued before Miranda was returned. The cases that will be reaching the trial stage from complaints issued after Miranda may well exhibit a different picture.

A total of 649 defendants had trials or entered pleas of guilty. There were 273 defendants that were convicted by jury or nonjury trials and an additional 273 defendants that were convicted by entry of pleas of guilty. One hundred three defendants were acquitted by jury or non-jury trials.

A comparison of convictions by trial and by pleas of guilty to acquittals shows an 80.4 percent conviction rate. The conviction rate computed on the same basis for fiscal year 1964–65 for this department was 90.6 percent. A reason for this significant

difference may be that in 22 of the acquittals there were confessions or admissions excluded because of Miranda and the trial deputies evaluated these statements as being necessary for conviction. If the trials of these 22 defendants had not been lost, then a conviction rate of 87.5 percent would have been obtained which is closer to our normal average rate. Since each of these 22 cases was filed prior to Miranda, we can anticipate that this same problem will not occur when cases filed after Miranda reach the Superior Court.

Altogether there was a total of 40 defendants who had made a confession or admission that was not admitted in evidence and who were acquitted. However, only 31 of these extrajudicial statements were excluded because of Miranda and as indicated above only 22 were deemed necessary for conviction.

The significance of confessions or admissions in obtaining convictions is subject to varying conclusions. Of the 82 defendants who were convicted by trial, where an admission or confession was introduced in evidence, only in 33 cases, or 40 percent of this category, did the trial deputy feel that the statement was necessary for conviction.

There were 71 defendants who had made a confession or admission or other statement which was not admitted in evidence and who were convicted anyway as well as 120 defendants who made no extrajudicial statements but were still convicted. Of the 273 defendants who pleaded guilty, 173 had made a confession or admission, but the trial deputies indicated that only in 34 of such pleas was the extrajudicial statement necessary for conviction.

This indicates that in only 67 instances, or 10 percent of the 649 defendants having trials or who pleaded guilty, did the trial deputy feel that the confession or admission was necessary for conviction.

With respect to the 995 P.C. motions, it is difficult to draw any conclusions from this small sample, but out of 29 such motions, 19 were granted. However, in only 5 instances was an admission or confession excluded where the deputy felt the statement was necessary for a conviction. Also, since these complaints which were attacked by 995 P.C. motions were pre-Miranda, it is difficult to conclude that there will be a problem in the future.

Although it would appear that the Miranda decision is causing some problems in the prosecution of the current cases which were filed prior to the delivery of this decision, it would not appear that the Miranda decision should create any significant difficulties in the prosecution of future cases.

(Attachments.)

(Copies to Evelle J. Younger, Harold J. Ackerman.)

WORK SHEETS

COMPLAINT STAGE

1. Number of defendants where confession, admission or other statement given and complaint was issued, 471.

(a) Miranda admonition given, 433.

(b) Miranda admonition not given, 38.

(1) Extra-judicial statement admissible even though admonition not given, 27. (Thirteen of these defendants were not in custody when statements were made.)

(2) Extra-judicial statements not admissible because of Miranda, 11 (complaints issued anyway).

2. Number of defendants where confession, admission or other statement given and request for complaint rejected, 250.

(a) Miranda admonition given, 235.

(b) Miranda admonition not given, 15. (One of these defendants was not in custody.)

(c) Number of requests for complaints rejected because extra-judicial statement not admissible because of Miranda, 3.

(d) Number of requests for complaints rejected because of other reasons, 247.

3. Number of defendants, no confession, admission or other statement and complaint issued, 357.

(a) Number of defendants given Miranda admonition, 214. (Of the 143 no Miranda admonition given, 43 were in custody, 79 not in custody, and 21 no indication was given whether Miranda admonition was given.)

4. Number of defendants, no confession, admission or other statement and request for complaint rejected, 359.

(a) Number of defendants given Miranda admonition, 224.

(b) Number of defendants given Miranda admonition and reason for rejection was insufficient evidence or insufficient connecting evidence, 106.

Preliminary stage

1. There was a "confession" or "admission or other statement" offered which was admitted and defendant was "held to answer" ____ 160
2. There was a "confession" or "admission or other statement" offered which was not admitted and defendant was "held to answer" ____ 17

Reason not admitted: (a) Miranda (15), (b) other (2).

3. There was a "confession" or "admission or other statement" offered which was admitted and complaint was "dismissed" ____ 6
4. There was a "confession" or "admission or other statement" offered which was not admitted and complaint was "dismissed" ____ 6

Reason not admitted: Miranda (6)

5. There was no "confession" or "admission or other statement" offered and defendant was "held to answer" ____ 422
6. There was no "confession" or "admission or other statement" offered and complaint was "dismissed" ____ 54
7. Total number of defendants in sample ____ 665

TRIALS

1. There was a "confession" or "admission or other statement" which was admitted and defendant was convicted.

Total, 82. Statement necessary? 19 confessions necessary, 14 admissions necessary, 5 not marked whether or not necessary, 44 not necessary.

Of statements: 45 admissions nonjury, 2 admissions jury, 33 confessions nonjury, 2 confessions jury.

2. There was a "confession" or "admission or other statement" which was not admitted and defendant was convicted.

Total, 71. Of statements: 39 admissions nonjury, 5 admissions jury, 26 confessions nonjury, 1 confession jury.

3. There was a "confession" or "admission or other statement" which was admitted and defendant was acquitted.

Total, 20. Of statements: 2 confessions nonjury, 17 admissions nonjury, 1 admission jury.

4. There was a "confession" or "admission or other statement" which was not admitted and defendant was acquitted.

Total, 40 (all of these cases filed prior to Miranda decision). Of statements excluded: 9 were for reasons other than Miranda, 15 admissions were excluded under Miranda, of these 7 were not necessary and 8 were necessary; 16 confessions were excluded under Miranda, of these 2 were not necessary and 14 were necessary.

Of statements: 13 confessions nonjury, 4 confessions jury, 22 admissions nonjury, 1 admission jury.

5. There was a "confession" or "admission or other statement" which was admitted and 995 P. C. was denied. Total, 6.

6. There was a "confession" or "admission or other statement" which was admitted and 995 P. C. motion was granted. Total, 6.

7. There was a "confession" or "admission or other statement" which was not admitted and a 995 P. C. was granted. Total, 10.

Confessions excluded Miranda: 6.

Needed for conviction: Yes, 3; no indication, 2; no, 1.

Admissions excluded Miranda: 3.

Needed for conviction: Yes, 2; no, 1.

No indication whether excluded because of Miranda: 1.

8. There was no "confession" or "admission or other statement" and 995 P. C. motion was denied. Total, 4.

9. There was no "confession" or "admission or other statement" and 995 P. C. motion was granted. Total, 3.

10. There was no "confession" or "admission or other statement" and defendant was convicted. Total, 120.

11. There was no "confession" or "admission or other statement" and defendant was acquitted. Total, 43.

12. Pleas of guilty: Total, 273.

With a confession or admission: 173.

Was confession or statement necessary? Yes, 34; no, 112; no indication, 27.

Without a confession or admission: 97. No indication, 3.

SURVEY

Your cooperation is necessary in evaluating the effect of the Miranda Decision upon the prosecution of felony defendants. If you issue or reject a request for the issuance of a felony complaint, please complete this form and send it immediately to me.

To: Lynn D. Compton, Assistant District Attorney.

From: Deputy District Attorney ____

Defendant's name: ____ D.A. No.: ____

Charge: ____ Date: ____

Complaint stage

	Yes	No
Confession? ____	____	____
Admission or other statement? ____	____	____
Admissible? ____	____	____
Was "Miranda type" admonition given to defendant? ____	____	____

Complaint: Rejected ____ Issued ____

Reason for rejection: ____

SURVEY

Your cooperation is necessary in evaluating the effect of the Miranda Decision upon the prosecution of felony complaints. When you conclude a preliminary hearing, please complete this form and send it immmediately to me.

To: Lynn D. Compton, Assistant District Attorney.

From: Deputy District Attorney ____

Defendant's name: ____ D.A. No: ____

Charge: ____ Date: ____

Preliminary stage

	Yes	No
Confession offered? ____	____	____
Admission or other statement offered? ____	____	____

Admitted ____ Rejected ____

Reason for rejection: ____

Result: Held to answer ____ Dismissed ____

SURVEY

Your cooperation is necessary in evaluating the effect of the Miranda Decision upon the prosecution of felony defendants. If you prosecute a defendant to the point of conviction, dismissal, or acquittal in the Superior Court, please complete this form and send it immediately to me.

To: Lynn D. Compton, Assistant District Attorney.

From: Deputy District Attorney ____

Defendant's name: ____ D.A. No.: ____

Charge: ____ Date: ____

Trial stage

	Yes	No
Confession?	——	——
Admission or other statement?	——	——

Admitted ______ Not admitted ______

Reason is not admitted ________________

Was confession or statement necessary for conviction? Yes ——. No ——.

Result: Pleaded guilty ______ or nolo contendere ______

Convicted: Jury ______ Nonjury ______

Acquitted: Jury ______ Nonjury ______

995 P.C.: Granted ______ Denied ______

[ENCLOSURE 2]

MEMORANDUM

To: Lynn D. Compton, Assistant District Attorney.

From: Earl Osadchey.

Re: Results of survey of the effects of the Dorado decision on complaints, city preliminaries, and trials sections. (Week surveyed, December 13–17, 1965).

Date: January 4, 1966.

Pursuant to your request I have supervised Law Clerk Steve Trott in the compilation of the material submitted by the Complaint, City Preliminary, and Trials Sections, regarding the effect of the Dorado decision upon the District Attorney's operation.

The attached summary sheets were prepared by Mr. Trott from the questionnaire forms returned by these various sections. I wish to caution anyone who seeks to draw a firm conclusion from this material by pointing out that the sample used in this study was comparatively small and that there appeared to be some misconception on the part of the deputies that filled in these forms as to what was desired. Many of the forms were incomplete or inconsistent and Mr. Trott attempted to resolve these problems by seeking out the deputy who filled in the form. However, this was not always possible because the name of the deputy who completed the questionnaire was not required on these forms. Also, the questions asked may not have been comprehensive enough to base definite conclusions as to the results which were obtained. Because no correlation has been attempted by this study with the processing of such cases prior to the Dorado decision, an evaluation of the comparative effect of this decision is not possible.

With these considerations in mind, I wish to point out some of the highlights of this survey.

COMPLAINT STAGE

In the complaint stage there was a total of 616 defendants in this sample of which 40% had made a confession or admission. Seventy-one percent or 438 complaints were issued of which number 46% involved a confession or admission. However, of the 178 rejections, only two of such rejections were predicated upon the reason that there was insufficient evidence without the confession or admission and that such confession or admission was inadmissible because of Dorado. This means that in this small sample only 1% of the complaints which were rejected were because of the problems presented by Dorado. Only 26% of the 202 complaints issued, wherein a confession or admission was involved, were evaluated by the issuing deputy as requiring such admission or confession in order to sustain a conviction. However, in each of these cases it was determined by the issuing deputy that Dorado had been complied with.

We might speculate that because 74% of the cases that were rejected did not involve a confession or admission that the main reason for such rejection was because defendants are now being informed of their right to remain silent and this causes difficulty in investigating the crime and obtaining sufficient evidence for conviction. I believe that the only valid conclusion that can be drawn is that police officers are complying with the ruling laid down in Dorado.

PRELIMINARY STAGE

In the preliminary stage there were 363 defendants processed. This survey questionnaire did not ask the question as to whether the defendant was held to answer and therefore the effect of the confession or admission which was offered and not received in evidence is not known. In any event there were only two confessions or admissions which were offered in evidence and not received and those were excluded for reasons other than the Dorado problem.

There were 52 cases where defendants had made a confession or admission and this evidence was not offered at the preliminary hearing mainly because of the office policy of not offering such evidence if it is not necessary during this stage of the procedure.

There were 139 defendants processed through preliminary hearings against whom a confession or admission was received in evidence. Whether opposition to such introduction because of Dorado increased the length of time of such preliminary hearings is not ascertainable from this small check but may be a contributing factor to the congestion of the calendar in the Municipal Court.

If any conclusion can be drawn from this small survey it may be that the Dorado ruling has had little effect upon our success in prosecution at the preliminary stage.

TRIAL STAGE

In the trial stage of 318 defendants processed, 96 pled guilty. In 51% of these guilty pleas the defendant had made a confession or admission. Therefore, it would appear we obtain as many pleas of guilty accompanied by a confession or admission as we did without such additional evidence.

Of the 222 defendants who had either court or jury trials 85% were found guilty. Of those found guilty there were one-third who had made an admission or confession. Admissions were present in 45 of those guilty verdicts and in only two of these matters were the admissions excluded because of Dorado. The trial deputies indicate that in only three of those cases where they obtained a guilty verdict did they feel that the admission was essential in order to obtain such conviction.

There were no court or jury acquittals in which a confession was admitted. There were no acquittals in any case where there was a confession even though one confession was excluded because of Dorado.

There were four acquittals in cases where an admission was excluded but there were also seven acquittals wherein admissions were admitted.

Again because of the limited sample and the limited nature of the questionnaire it would be difficult to arrive at any significant conclusion except to venture the view that Dorado is not presenting a difficult problem in the prosecution of current cases.

If there is any further information or explanations of these figures that you desire, please let me know.

(Copies: Evelle J. Younger, District Attorney; Harold Ackerman, Chief Deputy District Attorney.)

WORK SHEETS: CONFESSIONS AND ADMISSIONS EFFECT OF DORADO

COMPLAINT STAGE

(a) Total defendants, 616.

(b) Defendants no confession or admission, 367.

(c) Defendants confession or admission, 249.

(d) Complaints issued—no confession or admission, 236.

(e) Complaints issued—confession or admission admissible, 202.

(1) Sufficient evidence without confession or admission to sustain conviction, 149.

(2) Insufficient evidence without confession or admission to sustain conviction, 53.

(f) Total rejections, 178.

(g) Rejections—insufficient evidence without confession or admission and confession or admission inadmissible, 2.

(1) Dorado,[1] 2.

(2) Delay, 0.

(3) Involuntary, 0.

(4) Other, 0.

(h) Confession or admission admissible, rejection for other reason, 45.

(i) Rejection—no confession or admission, 131.

PRELIMINARY STAGE

Total defendants, 363.

Defendants no confession or admission, 165.

Defendants confession or admission, 198.

Confession or admission introduced and received, 139.

Confession or admission introduced and not received, 2.

(1) Dorado, 0.

(2) Delay, 0.

(3) Involuntary, 0.

(4) Other, 2.

Confession or admission not introduced, 52.

(1) Dorado, 0.

(2) Delay, 1.

(3) Involuntary, 0.

(4) Other,[2] 51.

Confession or admission and plea of guilty, 4.

Confession or admission and dismissal for refiling, 1.

TRIAL STAGE (1)

Total defendants, 318.

Total pleas of guilty, 96.

(1) Accompanied by admission, 18.

(2) Accompanied by confession, 31.

(3) Unaccompanied by extrajudical statements, 47.

Total dispositions of guilty, no confessions or admissions involved, 126.

Total confessions, 49.

Total admissions, 74.

Court or jury disposition of guilty accompanied by admission, 45.

(1) Effect of admission on guilty disposition: Surplusage, 1; enhance, 36; essential, 3; unknown, 3.

(2) Guilty disposition accompanied by admission excluded by Dorado, 2.

Court or jury disposition of guilty accompanied by confession, 18.

(1) Effect of confession on guilty disposition: Surplusage, 0; enhance, 12; essential, 3.

(2) Guilty accompanied by confession, excluded because of no intelligent waiver, 1.

(3) Guilty accompanied by confession excluded by Dorado, 1.

(4) Guilty accompanied by confession excluded by Aranda, 1.

TRIALS (2)

Court or jury disposition of not guilty, no confessions or admissions, 22.

Court or jury disposition of not guilty accompanied by admission, 11.

Court or jury disposition of not guilty accompanied by admission admitted, 7.

Court or jury disposition of not guilty accompanied by admission excluded, 4.

(1) Reason for exclusion: Aranda, 2; unknown, 2.

Court or jury disposition of not guilty accompanied by confession or confession admitted, 0.

Total confessions excluded, 3.

(1) Dorado, 1.

[1] One of these is not completely certain—information sheet incomplete.

[2] Most not introduced if not needed to hold defendant to answer—office time saving policy at preliminary level.

(2) Aranda, 1.
(3) No intelligent waiver, 1.
(4) Effect of exclusion on disposition: different result, 0; no effect, 3.

Total admissions excluded, 6.
(1) Dorado, 2.
(2) Aranda, 2.
(3) Unknown, 2.
(4) Effect of exclusion on disposition: different result, 4 (Aranda and unknown); no effect, 2 (Dorado); unknown, 0.

[ENCLOSURE 3]

STATEMENT BY DISTRICT ATTORNEY EVELLE J. YOUNGER IN RE: DAN CLIFTON ROBINSON

We have now tried the murderer of Lewis Grego three times. Grego was shot by confessed-murderer Dan Clifton Robinson in a robbery on February 3, 1962, at the Fox Hills Country Club. The first trial, Robinson was convicted and sentenced to death. The Supreme Court reversed because of an error in instructing the jury that Willie Hickman, a co-defendant, who did not appeal and is serving a life sentence, was an accomplice. Again, Robinson was tried and this time, the jury gave him life. He appealed and the District Court of Appeals reversed because the police did not advise him of his rights before he confessed. This time, the District Attorney was forced to go to trial without the confession and the jury acquitted him. The confession was voluntary and admissible under the law as it then existed. The defendant now goes free because the law was changed after the crime. The result is a by-product of the Supreme Court's tendency to change the ground rules and apply the new rule retroactively. Ironically, Robinson, who was the trigger man, now is free. His two accomplices (Willie Warner Hickman and Fred Guliex) are in prison, one serving a 20-year maximum, the other serving life.

JULY 14, 1966.

TROOP REDUCTION IN EUROPE

Mr. SYMINGTON. Mr. President, I ask unanimous consent that two constructive editorials from newspapers in my State, one of September 3, 1966, from the St. Louis Post-Dispatch entitled "A Force Cut in Europe?" and the other from the St. Louis Globe Democrat of September 8, 1966, entitled "Cut U.S. Forces in Europe" be printed in the RECORD at this point.

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

[From the St. Louis Post-Dispatch, Sept. 3, 1966]

A FORCE CUT IN EUROPE?

The White House has said "No" to Senator MANSFIELD's proposal for a Senate resolution favoring a "substantial reduction" of United States forces in Europe. But it said so in a rather faint voice, and we hope the Senate will not be dissuaded from expressing its own opinion on the question.

It has long been clear that such a reduction could be made without serious impairment of European security. The benefits, both to our balance of payments and to the cause of *detente* with the Soviet Union, would be great. The Russians might be encouraged to withdraw some of their own troops from Eastern Europe, and further steps toward establishing a new security relationship might follow.

The President does not always seek the "advice and consent" of the Senate on foreign policy initiatives, but in this case he might well find a troop-reduction resolution a useful warrant for doing what he may some day want to do without taking full responsibility himself. The facts that Senator MANSFIELD has the support of 13 members of the Senate's Democratic policy committee, and that he has taken care to consult Chairman RUSSELL of the Armed Services Committee and Republican Leader DIRKSEN, argue that more is involved than the personal disposition of a Senator who has long questioned the need for maintaining such a large military establishment in Europe.

In any case the Mansfield proposal deserves a sympathetic reception. At a time when Europe itself acknowledges no need to meet its original NATO troop commitments, when the conditions that gave rise to those commitments have sharply changed, and when we are are spending far more dollars abroad than we are earning, it does not make sense to go on supporting 400,000 troops and nearly a million of their dependents in Europe. Even if the Administration is not ready to say so, there is no reason why the Senate should not.

[From the St. Louis Globe-Democrat, Sept. 8, 1966]

CUT U.S. FORCES IN EUROPE

The United States troop commitment to Europe is much too heavy in light of Europe's dramatic recovery and renewed capability to take over the greater part of its own defense.

The commitment, made 15 years ago, is woefully outdated. It should be substantially reduced as recommended by 13 Democratic Senators.

Under vastly changed conditions of today there is no reason to maintain some 400,000 to 450,000 American troops and their 1,000,000 dependents in Europe. A substantial number of them could be brought home without weakening Europe's defenses.

It is long past time that Europeans make a larger contribution to their own defense.

Furthermore, excessive American troop commitments to Europe are very costly in tax dollars and in dollar exchange.

It is one of the main causes for the continuing unfavorable balance of payments which permits foreign governments, such as France, to build huge dollar claims against the United States.

Dramatizing the need to bring substantial numbers of our troops home from Europe is the latest drop in our gold stocks of $116,000,000 in July, the biggest monthly decrease in more than a year.

As often has been the case, France was the biggest purchaser of United States gold, converting about $98,000,000 of its dollar claims into gold.

Mr. SYMINGTON. I also ask unanimous consent that an editorial published in the New York Daily News of September 8, 1966, entitled "Guest Editorial" with respect to the actions of General de Gaulle, be printed in the RECORD at this point.

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

GUEST EDITORIAL

By Senator STUART SYMINGTON, Democrat, of Missouri, during Senate debate Tuesday on a proposal to reduce U.S. forces in West Europe:

"Paper gold we have been printing in increasing quantities for a great many years. At the same time, these European countries our troops continue to protect have been quietly collecting our real gold . . . If we sit back and do nothing, and Gen. de Gaulle continues his political and economic onslaughts against this country, he could place in jeopardy the integrity of the dollar."

RIOTING IN ATLANTA

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Rioting in Atlanta," published in the Washington Evening Star of Thursday, September 8, 1966.

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

RIOTING IN ATLANTA

The most surprising thing about the riot in Atlanta is that it should have happened there. For Atlanta, by general agreement, has been a model for southern cities in its race relations.

Mayor Ivan Allen Jr. has walked the last mile in search of racial peace. He had almost solid Negro support when elected. He was one of the few southerners to testify in support of the 1964 civil rights bill. He has added Negroes to the police force. Atlanta's schools and city facilities are totally integrated. Many Negroes are employed by business establishments and the city has sent eight Negroes to the state legislature.

All of this counted for nothing, however, when a suspected Negro car thief was wounded while trying to escape from arresting police officers. When some 500 or more Negroes took to the streets the mayor climbed on top of an automobile and tried to reason with them. He was shouted down. Taunts of "white devil" and "black power" greeted him. Finally the mob surged around the car and the mayor was jarred loose from his perch and fell to the street.

No, this didn't happen in a Birmingham or a Selma. It happened in Atlanta. Little wonder that the Rev. Martin Luther King Sr., who lives in Atlanta, was heard to ask: "What do they want? The mayor came down. He tried to speak to them and they wouldn't listen. What do they want?"

It was a good question, but hard to answer. For most of the members of the mob may not have known themselves what they wanted—unless it was an excuse to throw rocks and rant about police brutality.

The mayor says the riot was deliberately caused by some of Stokely Carmichael's SNCC henchmen, and he may be right. For the mob began shouting "kill the white cops" after SNCC representatives, according to the police, spread the false word that the suspected car thief "had been shot while handcuffed and that he was murdered."

Whatever may have been the case with the rioters, it seems clear that what the SNCC people want is trouble, trouble, trouble. And that is what they are going to get, though not in the form they want, if this sort of madness keeps up.

DOUGLAS BOOK RECEIVES RAVE REVIEWS

Mr. PROXMIRE. Mr. President, the distinguished senior Senator from Illinois, Senator DOUGLAS, not only has the most thorough economic background of any man in this body, he also has the marvelous gift of being able to convey his vast store of wisdom to his colleagues in the Senate as well as the public at large.

Despite a hectic Senate schedule and the increasing pressures of a major reelection campaign he has found the time to write a comprehensive and scholarly work on trade, tariffs, and the balance of payments. Furthermore, this book, "America in the Market Place," has been greeted with virtually unanimous acclaim. Let we quote a representative

comment from the New York Times review written by economist Robert Lekachman:

> This admirably written exposition of America's place in the world economy effectively mingles lucid exposition, personal experience and policy prescription. I have seen no clearer account of the reasoning that underlies the traditional attachment of Anglo-Saxon economists to free trade. . .

Not only is the book given top grades by the academic community, but it has won the important accolade of being completely relevant to the debate carried on in the Nation's newspapers and magazines over the important economic issues of the day. For example, the Wall Street Journal, in an editorial, cites the book in arguing against certain types of international commodity agreements as a means of promoting the economies of underdeveloped nations.

Senator DOUGLAS' book stands as a tribute to the brilliance and industry of one of the finest lights of the Senate. To find time among one's Senate duties to write a major book is rare. To find the energy to create a work that has both popular and academic appeal while maintaining Senator DOUGLAS' high standard of Senate activity is rarer still. My hat goes off to my good friend from Illinois.

Mr. President, I ask unanimous consent that the New York Times book review and the Wall Street Journal editorial be inserted in the RECORD at this point.

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

[From the Wall Street Journal, Aug. 8, 1966]

REVIEW AND OUTLOOK: THE ROAD TO DEVELOPMENT

Despite the many billions of dollars of aid from the U.S. and other nations, the economies of the world's less developed countries are growing more slowly than in the 1950s.

The authority for that discouraging assessment is Paul Prebisch, secretary-general of the United Nations Conference on Trade and Development. Even more discouraging, however, are some of his organization's proposed attacks on the problem.

Under the UN group's plan, more of the exports of developing countries would be brought under international commodity agreements, of the sort that now covers coffee. Moreover, poorer nations would get preferential treatment for their exports even while they were increasing tariffs against goods from the richer countries.

Superficially, this program may seem to have some appeal; at least the less advanced nations would be trying to lift themselves mainly through trade instead of endless grants and loans. Yet as Senator Paul H. Douglas indicates in a new book, "America in the Market Place," it's questionable whether this combination of price-fixing and protectionism is really the best approach to the poorer nations' problem.

Though the commodity agreements supposedly are aimed only at "stabilizing" markets, the Senator notes that their true goal usually has been to push prices upward. While increased profits on a product such as coffee, for example, may be of some general benefit to the economy of the producing nation, in the past they have chiefly aided a rather small group of wealthy planters and traders.

Furthermore, coffee consumption does not normally rise with income, so a price boost is a relatively greater burden on lower-income consumers. Senator DOUGLAS comments: "What a price increase of this type does, therefore, is to compel the poor and those of moderate means in the United States and other consuming countries to subsidize, among others, the rich planters in the producing countries."

The subsidy, though, may be shortlived, since the price-pegging pacts are prone to eventual failure. In the case of coffee, the Senator says, it's doubtful that the African countries will long be satisfied with their allotted 22% of the market. If they withdraw and start exporting more, the producing nations may wind up worse off than they were before the cartel was set up.

For our part, we find the plan to discriminate against imports from industrial countries equally unencouraging. The obvious aim is to develop more manufacturing in the less advanced lands. Unfortunately, where this approach has been and is being tried, the poorer nations have tended too often to waste their scarce resources on uneconomic steel mills and other "prestige" projects—meanwhile denying their people the chance to buy much cheaper manufactured goods from more advanced countries.

A more promising effort of Mr. Prebisch's group is its campaign to reduce or eliminate tariff barriers among less developed countries. Perhaps the poorer nations would begin to see the many-sided benefits of broader free trade if some of the industrial countries would do more to open their markets to goods from abroad.

If the less advanced nations really intend to speed their development, though, they need to make changes in internal as well as external policies. For one thing, many of them need to place more stress on private enterprise and less on state direction, not for ideological reasons but simply because it works better.

The poorer nations also must have more private capital from abroad. To attract it they must, among other things, stabilize their currencies and provide firm assurances against expropriation. No foreign investor is anxious to pour his funds down the drain.

Even the best-planned reforms, of course, won't immediately free the less developed lands from dependence on aid from the U.S. and other governments. They may, however, make it more likely that the less advanced countries will make productive use of the funds they receive.

As the U.S. and other industrial nations know from experience, the road to economic development can be a long and wearing one. And the poorer countries won't speed the trip if they pin their hopes mainly on protectionism and international price-fixing.

[A New York Times Book Review, Aug. 21, 1966]

IS THE PRICE RIGHT?

"America in the Market Place": Trade, Tariffs and the Balance of Payments. By PAUL H. DOUGLAS. 381 pp. New York: Holt, Rinehart & Winston. $7.95.

The fundamental question would seem to be whether Russia really wants to live on peaceful terms with the democracies of the West, or whether this is merely a false pretense. Believers in the former assumption urge that in return for such a Russian pledge we should trade with her in nonmilitary items and recognize her dominance over Eastern Europe.—"America in the Market Place."

(By Robert Lekachman)

A distinguished economist turned effective politician, Senator PAUL H. DOUGLAS is rounding out his third term. This autumn, ironically enough, he faces a Republican opponent, Charles Percy, who was once his student. In becoming a Senator for Illinois, PAUL DOUGLAS did not cease to be an economist or a teacher. His distinguished service on the Joint Economic Committee and his gallant assaults upon pork-barrel appropriations amply demonstrate the political value of economic expertise.

Here is still another contribution to the public enlightenment. This admirably written exposition of America's place in the world economy effectively mingles lucid exposition, personal experience and policy prescription. I have seen no clearer account of the reasoning that underlies the traditional attachment of Anglo-Saxon economists to free trade and no equally realistic appreciation of the utter refusal of afflicted businessmen and labor leaders to embrace a doctrine which indubitably damages their interests, whatever general benefits it may confer on the remainder of the community.

Yet no American politician lasts long as the rigid exponent of an abstract idea. Hence for Senator DOUGLAS the pursuit of the economic benefits of free trade inevitably occurs within the constraints of political reality and the boundaries of American national interest. Thus lower tariffs and other trade barriers between us and the countries of the European Free Trade Association or the Common Market are rated an excellent policy, since their consequence is lower costs and prices, expanded output, enlarged commerce and higher standards of life.

Yet when it is a matter of generalizing these benefits by expanding trade between ourselves and the Russians, Senator DOUGLAS is exceedingly cautious, simply because he is still unconvinced of the Russian will for co-existence. He tends to recall that Adam Smith preferred defense to opulence. Even trade with friends may as a practical matter require political pressure and occasional retaliation. What, after all, is a self-respecting nation to do when the Common Market deliberately excludes American broiling chickens simply to protect French and German farmers too unenterprising to meet their fellow-citizens' yearning for this delicacy themselves? Could we do other than raise our imposts on French brandy and German trucks?

No admirer of the State Department willingness to make concessions to other countries, Senator DOUGLAS emphasizes that in the postwar world we have been far more generous in extending foreign aid than our Western European allies. He argues that our tariff and trade policies have been at least as enlightened as those pursued by the governments of some of our more vehement Western European critics.

With respect to the underdeveloped nations, Senator DOUGLAS is equally refreshing and equally far away from conventional liberal opinions. For example, on the issue of commodity agreements many economists in underdeveloped countries have argued that wild fluctuations in coffee, sugar, cocoa and rubber prices have more than offset an inadequate flow of foreign gifts and investment. They propose a type of commodity agreement, enforced by importing countries, that limits exports and raises prices. The Senator suggests that these agreements (the United States observes coffee and sugar agreements) actually transfer funds from low-income American coffee drinkers to Latin American plantation owners and government officials. Thus what superficially looks like a transfer from rich countries to poor ones is in actuality a transfer from comparatively poor Americans to quite definitely rich Latin Americans.

Balancing the necessities of American world policy (as he interprets them) against the economic virtues of freer trade, Senator DOUGLAS favors pressure upon our NATO allies to increase their aid to poorer nations, encouragement of a merged EFTA and Common Market, and extreme caution in expanding East-West trade.

In short, Senator DOUGLAS has written an incisive explanation of trade and monetary problems and offered for good measure a whole series of controversial policy positions. If the properly grateful citizens of Illinois elect the teacher rather than the pupil this November, they will retain a superior Senator and an excellent economist.

(NOTE.—Mr. Lekachman is the author of "The Age of Keynes," to be published this fall, and is professor of economics at the State University of New York at Stony Brook.)

IMPORTS OF FOOTWEAR

Mr. JAVITS. Mr. President, on May 24, 1966, Speaker MCCORMACK called for a meeting of the New England delegation to discuss increased imports of foreign-made rubber-soled footwear and shoes. On that same date I placed in the RECORD a fact sheet prepared by the Imported Footwear Group of the National Council of American Importers on developments affecting the importation of this footwear. Since there are two sides to this question, I urged the Senate that careful consideration be given to points raised in that document before any changes are made in the new guidelines on rubber-soled footwear put into effect on February 1, 1966, by the U.S. Bureau of Customs.

I have since received a letter from Mr. C. P. McFadden, chairman of the Rubber Footwear Division of the Rubber Manufacturers Association, calling my attention to some of the controversial assertions made in the fact sheet of the Imported Footwear Group of the National Council of American Importers. I referred Mr. McFadden's letter to counsel to the imported footwear group, Mr. Noel Hemmendinger, for comment.

I ask unanimous consent to have printed in the RECORD the letter which I received from Mr. McFadden of the Rubber Manufacturers Association and the comments on his letter by Mr. Hemmendinger, so that the RECORD may be complete on this matter.

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

RUBBER MANUFACTURERS ASSOCIATION,
New York, N.Y., June 6, 1966.
Hon. JACOB K. JAVITS,
Room 326, Old Senate Office Building, Washington, D.C.

DEAR SENATOR: In your commendable concern that Congress have full information on the rubber-footwear import situation, you had inserted in the CONGRESSIONAL RECORD of May 24, 1966, a statement prepared by the Imported Footwear Group of the National Council of American Importers, carrying the heading: "Fact Sheet on Imports of Rubber-soled Footwear and the New Customs Guidelines, May 19, 1966".

Unfortunately the so-called "fact sheet" was far from factual. Much of its text was conjecture and opinion. Some of the statistics presented were misleading.

In sub-paragraph 1, the "fact sheet" states that the effect of the "guidelines" is that the duty on rubber-soled fabric footwear imports "is equivalent on the average to 60% if assessed on the normal valuation basis". It fails to point out that the United States Tariff Commission reported that the "guidelines" effected a duty reduction from 95% to 60%.

In sub-paragraph 2 the "fact sheet" says the rule adopted under the "guidelines" requiring that the lowest-priced comparable American-made shoe be used as the basis for assessing duties under ASP "has always been applied outside the footwear field". This is untrue. With reference to both canned clams and rubber footwear imports subject to ASP, the examiners had taken the highest-priced domestic product when more than one met the criteria established for ASP. There have been no importations of wool gloves covered by ASP since before the war, but it is my understanding that this practice also applied to those imports. It is true that a different rule was applied to chemicals subject to ASP. But chemicals were placed under ASP by a direct act of Congress and for a different reason. Congress acted in this instance to nurture an infant industry.

In sub-paragraph 4 statistics on domestic production of "rubber-soled canvas footwear" are presented. It is true that these figures are taken from official Bureau of Census reports. But for 1964 and 1965, they include, in addition to rubber-soled fabric footwear, an unknown quantity of house slippers. These reports are part of Bureau of Census Series: M31A and the statistics quoted in the "fact sheet" were taken from a section plainly headed "Production and Shipments of Shoes and Slippers with Sole Vulcanized to Fabric Upper". This report was initiated just a few years ago. The Footwear Division, Rubber Manufacturers Association, Inc., participates in the report, and from its beginning the Footwear Division has sought to have house slippers separately reported. Until this is done, there seems to be no way to determine the number of rubber-soled fabric shoes produced in this country. Including slippers in this report distorts the figures to a substantial degree. It is suspected that vulcanized house slippers are in the rubber-soled fabric footwear statistics in the Department of Commerce Annual Survey of Manufacturers referred to in Table I of the "fact sheet".

Table II is a confusing collection of figures, some taken from official sources. Sub-note 1 states that the figures in the "Imports" column have been adjusted, but there is no explanation of who adjusted them or on what basis they were adjusted. It is strange that the "unadjusted" figures are lower than the "adjusted" figures for all but the years 1964 and 1965, and for these years they are higher. Unless the "adjustments" can be justified, the ratios of total market shown in the last column are meaningless. For reasons stated above the domestic production figures in the first column are subject to question. Furthermore, the "fact sheet" admits that for the years 1959 through 1962 the figures are "estimates" arrived at through some conversion of dollar values. It is noted that the domestic production figures for 1964 and 1965 are taken from the Bureau of Census report which includes slippers. Unless similar imports are included in the import column, the resultant percentages of the imports' share of the market are invalid. It would also be invalid and unfair to use the total footwear and slipper domestic production figure to show the imports' share of the market if there are no imports of slippers.

Assuming the domestic production figures given for 1964 and 1965 in Table II to be correct, and taking import statistics reported by the Tariff Commission for items in this category (TSUS 700.60)—28,800,000 pairs for 1964 and 33,900,000 for 1965—the ratio of imports to total market becomes 18% for 1964 and 20% for 1965, instead of the 13% and 12% given in the last column of Table II.

I hope this will be helpful to you in understanding the import problems of the rubber footwear industry, and I trust you will endeavor to correct any misunderstandings that may have resulted from the statement you had inserted in the CONGRESSIONAL RECORD.

Very truly yours,
C. P. MCFADDEN,
Chairman, Rubber Footwear Division.

STITT & HEMMENDINGER,
Washington, D.C., June 15, 1966.
Hon. JACOB K. JAVITS,
U.S. Senate.
Room 326, Old Senate Office Building, Washington, D.C.

DEAR SENATOR JAVITS: Thank you for giving me the opportunity to comment on Mr. McFadden's letter of June 6, 1966.

It is true that the statistics are not altogether satisfactory. They rarely are. We think they do give a better picture of what is happening in this industry than is available otherwise.

With respect to the particular points raised—

The Fact Sheet does recognize (paragraph 1) that before 1963 the average ASP duty was about 100%.

The statutory basis for ASP on chemicals, accounting for almost all the ASP imports other than footwear, is "simliar competitive" articles rather than just "similar," and the next sentence provides that products that accomplish substantially equal results are to be treated as "similar to or competitive with" the imports. See Headnotes 4 and 5 of TSUS Schedule 4, Part 1, derived from the Tariff Acts of 1930 and 1922. As Mr. McFadden says, Congress acted to nurture an infant industry, and thus extended the chemicals protection to articles that although not similar, were nevertheless competitive. Thus the furthest the Congress went in applying ASP was to competitive products, giving strong support to the use of the concept of competition when the necessity arises to select among "similar" products in the footwear field.

We have found nothing in the legislative history or the written instructions of the Customs Bureau to justify use of the highest-priced similar American shoe. On the contrary, the existence of such a practice was denied by the Customs Bureau at least since 1956, when the undersigned first made inquiries, and it was said that the appraisers would give attention to any American shoe the importers could prove met the statutory tests. Use of the high price lists was simply an administrative convenience, which amounted to turning the administration of a U.S. law over to an interested party. It was a serious abuse that had to be terminated.

Incidentally, the new guidelines do not refer to the "lowest" priced American shoe (as frequently stated) but to the "closest."

The adjustments in the import figures in Table II of the Fact Sheet we explained fully in the Tariff Commission on June 8, when Mr. McFadden was present. For the years 1963 and before, the adjustments were necessary to take account of low-duty imports entered under statistical numbers other than those ordinarily regarded as covering sneakers. For the years 1964 and 1965, when the new Tariff Schedules of the United States were in effect, the adjustments were to take account of non-sneaker products entered under Item 700.60. In the Tariff Commission, we furnished evidence based upon responses to questionnaires by 18 importers, of the actual number of non-sneaker products included in the 33.9 million pairs for 1965 referred to in the penultimate paragraph of Mr. McFadden's letter. The evidence bore out quite closely the estimates contained in the Fact Sheet.

Yours sincerely,
STITT & HEMMENDINGER,
By: Noel Hemmendinger
Enclosure.

ONE OF THE GREAT WOMEN OF THIS CENTURY

Mr. GRUENING. Mr. President, for more than half a century Margaret Sanger worked untiringly to make family planning information available upon request. To her credit she fought for her beliefs and as a result men and women today have the opportunity to plan their families. I hope this opportunity can be extended to all who wish to have such information.

The efforts of Margaret Sanger to improve the quality of life on earth have been commented on in an excellent editorial in the Washington Daily News and the Washington Post. I ask unanimous consent that the News editorial of September 8, entitled "Death of a Crusader," and the Post editorial of September 9, entitled "Margaret Sanger" be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. GRUENING. It is significant, I believe, that the News states:

When all the wide implications of her life's work are considered she must be termed one of the great women of this century; probably the greatest.

The Post comments correctly:

She was not only a radiant rebel, admired for her charm and disarming modesty, but also a practical idealist whose contribution will be realized by future generations.

EXHIBIT 1

[From the Washington (D.C.) Daily News, Sept. 8, 1966]

DEATH OF A CRUSADER

Margaret Sanger's mother died young after bearing 11 children. As a maternity ward nurse she cared for women who were weary and old at 35, saw many of them die as a result of self-induced abortions.

These experiences inspired in this red-headed Irish woman an epic crusade to free women from what she termed "sexual servitude."

It is hard, in these relatively enlightened days, to understand the savage zeal with which archaic laws against the spread of contraceptive information were prosecuted. When Mrs. Sanger discussed the issue in her magazine "Woman Rebel," its copies were confiscated by the New York Post Office.

In 1914 she was indicted on nine counts for sending contraceptive information thru the mail. Conviction would have made her liable to imprisonment for 45 years. She fled to Europe and never came to trial. The indictment was quashed in 1916. With a sister she opened a birth control clinic in Brooklyn, first of its kind in the United States, was arrested and served 30 days in jail. She was hounded as a purveyor of obscenity, manhandled by police who broke up her meetings.

Mrs. Sanger, who died Tuesday at the age of 82, had the misfortune—or the distinction—to be born half a century ahead of her times. Birth control, a term which she coined in 1914, now is condoned and even encouraged by law. It is sanctioned by the great majority, including some of its traditional opponents, tho differences as to the propriety of specific methods remain.

The medieval prejudice which condemned women to a subservient position, in many cases not much advanced over the beasts of the field, is about gone. Mrs. Sanger's crusade led to recognition of the menace in the "population explosion," perhaps a generation before it would have come otherwise. In her younger days an object of scorn and persecution, she later was awarded honorary degrees from universities, was received with honor by foreign governments.

When all the wide implications of her life's work are considered she must be termed one of the great women of this century; probably the greatest.

[From the Washington Post, Sept. 9, 1966]

MARGARET SANGER

Few great crusaders for good causes have been so fortunate as Margaret Sanger. She lived to witness a remarkable revolution in public attitudes toward "birth control"—a phrase which first appeared in her magazine, *Woman Rebel*. Margaret Sanger was virtually alone when she began to disseminate information on contraception nearly 60 years ago. In 1914 she was indicted on nine counts for misusing the United States mails and threatened with a 45-year prison sentence. Today the United States Government not only disseminates birth control information but is prepared to finance the distribution of contraceptive devices in foreign countries that request assistance.

Margaret Sanger's interest in birth control was nourished in an anarchist-socialist milieu. She was a young radical who insisted that "A woman's body belongs to herself alone" and that "Enforced motherhood is the most complete denial of woman's right to life and liberty." But as the years passed and the movement which she founded attained strength, birth control became much more than a matter of women's rights. In those parts of the world where the means of sustenance are severely limited, birth control can tip the balance between grinding poverty and the beginnings of economic progress. Margaret Sanger was quick to grasp that point in her early visits to Japan and India. She was not only a radiant rebel, admired for her charm and disarming modesty, but also a practical idealist whose contribution will be realized by future generations.

CIVIL DISOBEDIENCE IN ATLANTA

Mr. TALMADGE. Mr. President, all responsible and thinking Georgians—and I am proud to say they constitute an overwhelming majority of the people of my State—were shocked this week by the racial riot that erupted in Atlanta last Tuesday.

It was an appalling display of the same brand of lawlessness we have witnessed on many occasions in recent months in a number of cities throughout the Nation. It was the kind of mob violence which can only result in chaos unless steps are taken to restore respect for law and order. And, just as in other places where racial agitation and disorder have resulted in rioting, the Atlanta riot can be laid at the feet of irresponsible leaders who have gone about the country preaching disrespect for authority and calling mobs into the streets, with no other purpose than to create strife and disorder.

I am truly sorry that Atlanta, whose record for peaceful and sensible race relations is second to no other large metropolitan area in the country, has been made a victim of rioting and disgraceful chants of "black power." However, I am pleased to note that because of positive and responsible leadership on the part of the mayor and the city police, as well as that of respected members of the Negro community, the riot was quelled and handled overall in a most commendable manner.

There appeared in the September 7 edition of the Atlanta Constitution an excellent column by Editor Eugene Patterson, giving an account of the rioting and the courageous and firm part of Mayor Ivan Allen and responsible Negro leaders in dispersing the rioters.

There also appeared fine editorials in the Atlanta Journal and the Washington Evening Star commending Mayor Allen and rightly placing the blame for the disorder where it belongs.

I ask unanimous consent that Mr. Patterson's column and the editorials be printed in the RECORD.

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

[From the Atlanta (Ga.) Constitution, Sept. 7, 1966]

A DAY TO FORGET

(By Eugene Patterson)

A fume of tear gas still stung the eye occasionally. It made Ivan Allen look as if he had been weeping.

The mayor stood in a pool of glass fragments in the middle of Capitol Avenue with his shoulders slumped wearily. A police car with blue light flashing passed on one side of him, and a Grady Hospital ambulance with a red light passed on the other.

He lifted his reddened eyes to the porches and looked at the Negro men, women and children whose rights he had long fought for at the risk of his own political life. They looked back at him.

On the upstairs balcony of a bleak apartment house—"four rooms, will redecorate, $59.50"—a girl of about 15 perked and shook idly in a silent dance.

"They don't know," Mayor Allen said gently. "They just don't know."

But the SNCC leaders knew. When Stokely Carmichael's crowd finally got a police shooting to play with, they stirred up those men, women and children as skillfully as white demagogues used to get a night ride going.

Like the old white mobs, the rock-throwing Negroes didn't have a very clear idea what had hold of them Tuesday. Demagogues had hold of them. SNCC was in charge.

SNCC comes in on a scene of trouble like an ambulance. But not to heal any fractures. It had been a long, chilly summer in the Vine City slum. SNCC's sound trucks had failed to stir riots. Maybe Vine City residents got toughened to the black power demagoguery and immune to it. Here, almost in the shadow of Atlanta's new stadium, was a fresh neighborhood with a built-in incident. And here was SNCC.

As Allen said, the people just didn't know. But SNCC did. To say past white injustices to Negroes was fair provocation for what the black power zealots did to Atlanta Tuesday is about like justifying white bombers and burners on grounds some Negroes are criminal.

The mayor understood what was going on, even while the Negro rock throwers who literally threatened his life did not. He gave them their target. He walked in the open down the middle of the street while some policemen were taking cover behind an armored car under the hail of stones. His courage was remarked by every tough cop present. He acted like a man who didn't want to be safe if his city wasn't.

ALMOST—BUT NOT QUITE

For a while it looked as if the mayor might pull it off. He waded into the middle of the riotous crowd at Capitol and Ormond (you go past the stadium on Capitol, and across Georgia, and across Little and Love—that's

right, Love—and there's Ormond) and tried to lead them out to the stadium. They followed him for a block. Then SNCC got hold of the thing again, yelling black power.

They weren't gonna go to any white man's stadium. Pretty soon they had the crowd back at Ormond and Capitol. Allen got up on a police car and tried to talk to them. Demagogues knew what to do about that.

They rocked the car violently until he was shaken off it. Encircled and shoved, he simply bored deeper into the black crowd, demanding order, exhorting peace.

Rocks flew. Windshields and windows crashed in. Police cars had their glasses smashed. A white woman's car was hit; she paused at the stadium parking lot to shake the glass out of her hair. People were getting hurt. While Allen stood between them, Negroes threw rocks and policemen fired into the air.

Tear gas finally broke that one up. The police ran out of tear gas. But they stood on the street corners with their gas guns at the ready and nobody knew they were empty until new supplies came.

Policemen are always targets in mobs like these. The strain showed in their faces and you couldn't blame them. Shotguns, pistols, gas guns, billies—the tense brandishing of so much hardware was imposing. They had seen too many cars smashed, too much anger, to be easy. They were as tight as coiled springs, looking all about. There in the middle of them, unarmed and unrattled, was Mayor Allen.

"I wish I could slow that guy down," said Capt. George Royall, his police aide and bodyguard, sprinting up Little Street. The mayor had suddenly walked up there to insist that a crowd of Negroes disperse and go to their homes. The crowd moved slowly.

Two policemen were assigned to herd the crowd back up that side street. They were white, though many of the policemen on the scene were Negro. The two white policemen had company. "This is the Rev. Sam Williams," Capt. Royall told the pair of policemen. "He is going with you and he is going to ask the people to go to their homes peacefully."

The Rev. Williams did. A tough, smart NAACP militant, the Baptist minister and college professor had been fighting for his people against white oppressors all his life and he did not hesitate to go to the scene Tuesday and fight against their being hurt by SNCC. It took great courage. He went up the street with the policemen, commanding respect.

Like Sam Williams, the Rev. Martin Luther King Sr. was there, deploring violence and laying the blame on those who incited it. "We have got to have law," the old man said. "If I only had my strength, I would tell these people we have got to have law. Else we have no protection."

"You've got your strength, old friend," Ivan Allen said, taking his hand in the street.

NEGRO LEADERS CAME

Negro politicians like Q. V. Williamson and John Hood were there, laboring to lead their people out of folly. Clergymen like the Rev. William Holmes Borders were there, and leaders like Jesse Hill. The Negro leadership turned out to do what it could, just as staunchly as the white leadership used to do when the Klan mentalities threatened violence. But the violent and the disorderly always have an advantage in seizing leadership of a crowd. They are unhampered by responsibility and they have emotion going for them. Responsible leaders, rational men, often look vulnerable and even futile in such a setting. But they have to go.

Dusk was falling. "Are you hurt? Did any of the rocks hit you?" Allen was asked in the lull. He looked at his friend Sam Williams there in the street and laughed. "Man," he kidded, "you know they can't throw anything as fast as I can run.

"I've got great peripheral vision. Blind to color, blind to class. I've got to be blind, haven't I, Sam?"

The Rev. Williams smiled. "That's right," he said quietly. The two strong men, one white, one black, looked at each other for a second in the gathering night, then moved off to see if they could calm and disperse some more of the silent, staring spectators.

Walking along the center of the Capitol Avenue sidewalk, a tall, thin Negro man wearing a striped sport shirt and a wisp of beard met a policeman and deliberately confronted him head-on, refusing to yield room for him to pass. The policeman held a shotgun at port arms and stood there for a minute. He jerked his thumb to the side but the Negro did not move.

Blind hatred contorted his face into a furious mask.

The policeman shrugged and walked on around him. The thin goateed Negro walked on, muttering, looking over his shoulder and hating the white man with a passion that seemed to be consuming him like some foul, fatal fever.

Shattered glass lay in the street. Flickering lights glinted on the police guns. Night was falling and the mayor was thinking about opening up the schoolhouse at the corner of Capitol and Little and inviting everybody in to talk instead of fight, burn, stone and shoot.

It was almost as if the mayor, after half a day of presenting his body in the street, was as intent on willing peace and a return to normality as he was in building up his forces of police to crush any renewed disorder.

In the gathering darkness, somebody said to the tired mayor, as he stood there in the street, that he ought to go on home and leave the night peril to his policemen and the people on the porches.

"Listen," he snapped, "if anything is going to happen here tonight, it's going to happen over me."

[From the Washington (D.C.) Evening Star, Sept. 8, 1966]

RIOTING IN ATLANTA

The most surprising thing about the riot in Atlanta is that is should have happened there. For Atlanta, by general agreement, has been a model for southern cities in its race relations.

Mayor Ivan Allen Jr. has walked the last mile in search of racial peace. He had almost solid Negro support when elected. He was one of the few southerners to testify in support of the 1964 civil rights bill. He has added Negroes to the police force. Atlanta's schools and city facilities are totally integrated. Many Negroes are employed by business establishments and the city has sent eight Negroes to the state legislature.

All of this counted for nothing, however, when a suspected Negro car thief was wounded while trying to escape from arresting police officers. When some 500 or more Negroes took to the streets the mayor climbed on top of an automobile and tried to reason with them. He was shouted down. Taunts of "white devil" and "black power" greeted him. Finally the mob surged around the car and the mayor was jarred loose from his perch and fell to the street.

No, this didn't happen in a Birmingham or a Selma. It happened in Atlanta. Little wonder that the Rev. Martin Luther King Sr., who lives in Atlanta, was heard to ask: "What do they want? The mayor came down. He tried to speak to them and they wouldn't listen. What do they want?"

It was a good question, but hard to answer. For most of the members of the mob may not have known themselves what they wanted—unless it was an excuse to throw rocks and rant about police brutality.

The mayor says the riot was deliberately caused by some of Stokely Carmichael's SNCC henchmen, and he may be right. For the mob began shouting "kill the white cops" after SNCC representatives, according to the police, spread the false word that the suspected car thief "had been shot while handcuffed and that he was murdered."

Whatever may have been the case with the rioters, it seems clear that what the SNCC people want is trouble, trouble, trouble. And that is what they are going to get, though not in the form they want, if this sort of madness keeps up.

[From the Atlanta (Ga.) Journal, Sept. 7, 1966]

WHO RUNS THE CITY?

Magnificent work on the part of the police, the personal courage and leadership of Mayor Ivan Allen and the cooperation of responsible Negro political and religious leaders kept Atlanta out of murderous trouble Tuesday evening.

There was major trouble as it was, in response to an invitation to trouble promoted by SNCC and its irresponsible new leader, Stokely Carmichael, to protest a case of alleged police brutality.

There was rioting in the streets south of the Stadium (where a detachment of state patrolmen stood by), but the coalition of those devoted to the welfare of the city prevailed. May it continue to hold together and prevail for years to come.

The trouble followed the demagogic pattern the country has now come to recognize since this no longer is one of those peculiar Southern problems.

But the familiarity of the pattern does not make it any less shocking.

Atlanta so far has maintained a reputation for law and order, and the determination of the mayor to keep this reputation could not be more obvious.

Tuesday night proved who was running the city, and it is not the mob.

It is Mayor Allen, and the magnificent backing given him by the police and by sane and responsible Negro leaders pulled us through this time.

But it is too much to expect that Tuesday night is going to be the end of it.

There are irresponsible white people, seekers after public office included, as well as irresponsible promoters of "black power" who find this sort of dangerous idiocy helpful.

Certainly we'll see other attempts to pit race against race, make a smoking shambles of Atlanta and set back orderly progress for years to come.

But the combination which pulled us through Tuesday night can do it again with the help and the backing of the decent, law-abiding citizens of all Atlanta, and run the inviters to riot out of town.

This has been a week of crisis in Atlanta, with a good part of the Fire Department on strike, and the police on extended duty.

It's the sort of occasion which separates the wheat and the chaff rapidly, and makes us appreciate the value of the kind of good citizenship shown by those who stay on the job when trouble comes. These are the mayor, the police, the loyalists among the firemen, and the Negro leaders who kept the faith with their city and truly with their people.

SCHOOL MILK PROGRAM SIGNIFICANT CHILD HEALTH MEASURE

Mr. PROXMIRE. Mr. President, fiscal 1967 appropriations for maternal and child welfare activities went from $187 million in fiscal 1966 to a House-approved

figure of $228,900,000. This is a whopping increase of almost $42 million.

Every bit of this increase is necessary. Most of it would provide for an expansion of the program in accordance with the 1965 amendments to the Social Security Act. But it is significant that while we are providing an additional $41,900,000 for child welfare activities in fiscal 1967 we apparently can afford to boost the special milk program for schoolchildren by only $1 million from last year's appropriation level of $103 million to $104 million this year. Yet if ever a program were important to the welfare of our children, the school milk program is.

The milk program helps most those who can least afford to help themselves—the children from poor families living in depressed areas and the slums of our Nation's cities. It helps them by providing a Federal payment toward the cost of a half-pint of milk once or twice a day, between meals. Often the local community provides the remainder of the needed funds. Furthermore the cost to the taxpayer is *minimal*, because milk not purchased under the program would probably have to be bought and stored under the price support program at Government expense.

At least $110 million is needed for the school milk program this year if last year's 10-percent cut in the Federal reimbursement rate is to be restored. I intend to fight hard for an additional $6 million for the program in a supplemental appropriation bill. I fully believe that this program is essential to the health and welfare of our children as the maternal and child welfare program. I intend to see that it is properly funded.

THE NEED FOR REGULATING THE WIDE-OPEN TRAFFICKING OF FIREARMS IN INTERSTATE COMMERCE

Mr. DODD. Mr. President, the records of this Congress include volumes of testimony on the need for regulating the wide-open trafficking of firearms in interstate commerce.

The bulk of those volumes are public hearings conducted by the Judiciary Subcommittee on Juvenile Delinquency, of which I am chairman. The purpose of those hearings was to determine whether or not there was a need for the Federal Government to strengthen its own gun laws, and, if possible, to aid the several States in making their statutes more enforceable.

The result of our inquiry, Senate bill 1592, is now awaiting the action of the Judiciary Committee.

I had hoped that the full Senate would have had the opportunity to vote on the measure before now, but the minority opposing any improvement in our gun laws has succeeded in blocking Senate action.

The gun lobby has been most effective. Leading the opposition to a law that would thwart criminals, drug addicts, and mental patients hellbent on arming themselves is the National Rifle Association, a tax-free group of some 750,000 members whose most recent slogan is "America needs more straight shooters."

In easy-to-understand language a lobbyist is any person or group who seeks the passage or defeat of any legislation in the Congress of the United States.

However, though not a lobby under the law, the NRA's antigun legislation philosophy is adopted and followed by registered lobbyists among them; for instance, the gun industry.

On August 14, 1966, on the Frank McGee report on the NBC television network, an NRA spokesman described its nonlobbying activities of the NRA in this way:

> A teletype in the legislative suite receives reports from state capitals. Whenever a state lawmaker introduces a gun control bill the information is quickly fed to this office.

By "this office" the spokesman meant the upper reaches of the multimillion-dollar national headquarters of the National Rifle Association in downtown Washington, D.C.

Mr. President, at the conclusion of my remarks, I would like the text of the Frank McGee report printed in the CONGRESSIONAL RECORD.

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

(See exhibit 1.)

Mr. DODD. Mr. President, consistent with the nonlobby image it spends into the seven figures each year to project, on September 1, 1966, the NRA shelled out almost $10,000 for full page ads in the Washington Post and the New York Times throwing its weight behind "enforceable measures to keep firearms from irresponsibles, incompetents, and criminals," among other things.

The advertisement was discussed at some length in the September 9, 1966, issue of Time magazine, which I ask to be printed in the RECORD at this point.

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

AIMLESS

Of all the opponents of any federal legislation to control firearms, none has been more persistent—or more effective—than the National Rifle Association, a 750,000-member organization that spends perhaps $2,000,000 a year pushing its official line in pamphlets, pressure on Congress, gun-magazine advertisements and its own publication *The American Rifleman*. In the face of renewed clamoring for congressional gun-control action, spurred by Charles Whitman's recent sniper rampage in Austin, Texas, the N.R.A. last week turned for a change to newspapers, buying full-page spreads in the Washington Post and the New York Times, both of which have editorialized vigorously for stronger gun laws. Over the legend, "America needs more straight shooters," the ads picture, of all people, a rifle-toting Franklin Delano Roosevelt.

Part of the N.R.A.'s membership drive to mark its 100th anniversary ("We're shooting for a million members") in 1971, the ads accurately describe F.D.R. as an N.R.A. member who shared the organization's concern for conservation and the proper use of firearms. What they neglect to mention, however, is that Roosevelt (one of seven U.S. presidents who have been shot at by would-be assassins), was a longtime advocate of strong gun laws. As Governor in 1932, F.D.R. vetoed two bills that attempted to emasculate New York's tough Sullivan Law, which remains the only state law requiring police permits for possession of handguns. During his presidency, the two major existing federal gun laws—the firearms acts of 1934 and 1938—were passed. In fact, a 1962 article in *The American Rifleman* took note of the late President's desire for tough gun controls, complained that his "knowledge of firearms was not extensive."

In any case, the obvious intensification of the N.R.A.'s anti-legislation campaign may be unnecessary. In Congress, where the association maintains influential contacts and can mount a massive barrage of letters at the drop of a new gun bill, a measure sponsored by Connecticut's Senator Thomas Dodd to curb interstate firearms traffic remained bottled up last week in the Senate Judiciary Committee, with prospects for its passage in this session dimming rapidly.

EXHIBIT 1

FRANK MCGEE REPORT, AUGUST 14, 1966

McGee. "General William Westmoreland, Commander of United States Forces in South Vietnam was secretly flown back to Texas last night to meet with President Johnson. This morning General Westmoreland and the President appeared at a news conference."

Announcer: "This is the Frank McGee Report, Sunday, August 14, 1966."

Westmoreland: "I do feel however, that we should gear ourselves for an extended involvement in this part of the world." (Music)

Announcer: "The following program is brought to you in living color on NBC."

McGee: "After summoning his top military commander from Vietnam, President Johnson held a news conference at the Texas White House this afternoon and gave an optimistic assessment of the war.

"The conference was held after a long, secret meeting between the President and General Westmoreland. Here is NBC News Correspondent Charles Murphy in Texas.

Murphy: "The President and the General got up early to attend services at St. Barnabas Episcopal Church in Fredricksburg. They had talked late into the night. Newsmen did not learn of the General's visit until moments before he and the President arrived for church services with their wives and aides. Later there was a news conference at the LBJ ranch. Mr. Johnson opened it with a prepared statement."

Johnson: "A communist military takeover in South Vietnam is no longer just improbable. As long as the United States and our brave allies are in the field it is impossible. And the single, most important factor now is our will to prosecute the war until the communists, recognizing the futility of their ambitions, either end the fighting or seek a peaceful settlement. No one can say when this will be or how many men will be needed or how long we must persevere. The American people must know that there'll be no quick victory. But the world must know that we will not quit."

Murphy: "Then the General talked. He was asked if North Vietnam's resolve had weakened."

Westmoreland: "There's no indication that the resolve of the leadership in Hanoi has been reduced. There's every indication that this leadership has planned to continue the conflict in accordance with the present pattern that prevails."

Reporter: "I wonder if you can give us your assessment of the needed number of troops that will be needed the rest of this year. I think the number is now 291,000."

Westmoreland: "That is approximately present strength. Additional troops are scheduled to come into South Vietnam between now and the first of the year. Our strength, therefore, is destined to increase.

As to what will be required, I am not prepared to say at this time. It depends upon the conduct and actions of the enemy."

Murphy: "Their four hours of talk had ranged over virtually every aspect of the war. The White House did not say whether important strategy decisions had been made. The General called the visit 'officially profitable.' Charles Murphy, NBC news, San Antonio."

McGee: "The 196th Infantry Brigade, made up of 3800 soldiers, has arrived in South Vietnam, increasing American military manpower there to 292,000. The unit was trained at Fort Devens, Massachusetts, for counter-guerrilla warfare. It was sent immediately to Jen Villa post near the Cambodian border.

"An American Army helicopter reportedly killed 5 Vietnamese civilians and wounded 15 others during an attack on suspected Vietcong targets in the Mekong delta. It was the third air-attack accident reported in a week.

"The United States command has reported the loss of two more airplanes in raids on North Vietnam in the past week, the loss of 15 planes in seven days was four more than the number lost during any previous week."

* * * * *

McGee: "The lunar orbiter spacecraft was maneuvered into a course around the moon today. Scientists at Pasadena, California, fired the spacecraft by remote control, and it is supposed to start taking pictures of the moon's surface on Wednesday.

"The Food and Drug Administration, for all practical purposes, officially approved the use of oral contraceptives today. The medical committee which advises the F.D.A., said there is no scientific evidence that the pills which are now on the market, are dangerous. But the committee recommended that it be left up to doctors to prescribe the pills to patients. The F.D.A. Commissioner, Dr. James Goddard, talked to NBC news reporter, Harry Griggs:"

Goddard: "We today accepted the report of the Advisory Committee on Oral Contraceptives. And the report said, that there is no scientific evidence that the continued use of these pills is unsafe. It further recommends that the previous time limitation on the use of oral contraceptives be dropped, because there is no scientific justification for its continuation."

Griggs: "How many women are currently using the pill?"

Goddard: "We estimate that between five and six million women are currently taking the pill."

Griggs: "Well, simply, what does the report say to these women about continuing to take—use this pill?"

Goddard: "That under the physician's direction, it's not unsafe."

McGee: "The larger cities and towns of Eastern Nebraska escaped flood damage today when rains tapered off, and the swollen rivers and streams receded. Flood forced a thousand people to evacuate the town of Columbus. It also caused heavy crop damage.

"And Newsweek Magazine today released this rare photograph of the late Lucy Mercer Rutherford. A new book by North Carolina newspaper publisher, Jonathan Daniels, describes a long romance between Miss Mercer, later Mrs. Rutherford, and President Franklin D. Roosevelt.

"Police in Indianapolis said that a real estate salesman shot and killed his wife and two teen-age daughters, then was shot to death by police after he barricaded himself. The shootings occurred after the family came home from church."

* * * * *

McGee: "Once again a sensational shooting has evoked a national demand for laws against guns. President Johnson immediately urged passage of a gun control law, that's been lingering in a Senate Committee. Senator THOMAS DODD introduced the bill two years ago. It would, among other things, limit mail order sales of guns.

"The firearms industry in this country does about one and a half billion dollars of business a year. More than 30 million Americans own guns. It's easier to buy a gun than a car in this country. Three quarters of a million Americans have been shot to death since 1900.

"Now some of these killings were sensational enough to have produced earlier outcries for gun control legislation. But results have always been meager. This year there's been more than 350 such laws introduced into state legislatures. New Jersey's tough gun control law went into effect earlier this month. It restricts the sales of rifles and shotguns, and requires fingerprinting and police identification for anyone buying firearms. Last week its opponents went to court to fight it.

"Year after year, gun control advocates have banged their heads against a powerful but unofficial lobby, the National Rifle Association. This is part of an N.R.A. propaganda film. It acknowledges that guns in the hands of criminals are bad, but it makes a point that the country is served best when the citizens have relatively free access to guns."

National Rifle Association film:

Announcer: "Today the rifle in the hands of courageous and determined men, trained in accurate marksmanship, still stands as a vital element of our military strength if war should endanger us again."

Voice: "The chair recognizes the representative from the sixteenth district."

Representative from Sixteenth District: "Mr. Speaker, I have here a bill for the registration of firearms."

(Music rises.)

Announcer in film: "Despite repeated failure of attempts to disarm the criminal or irresponsible by statute, fresh attempts are made each year to introduce undesirable firearms legislation. Legislation will not keep firearms out of the hands of lawless or undesirable persons. It tends, instead, to prevent the use of firearms altogether.

"The N.R.A. is a ninety-five year old organization of hunters, marksmen and others. The headquarters is in an eight-story building in Washington, D.C. Its spokesman is Franklin Boyd."

Boyd: "There have sometimes been statements to the effect that the National Rifle Association, a comparatively small group of American citizens of 750,000, with some 12,000 affiliated clubs, could be strong enough to, somehow, to abort the will of the American people, by a so-called lobby.

"In the first place, we don't have a lobby, as these people are speaking. We do have a matter in which we argue in respect to what we think the basic rights of Americans are. We submit this information to our legislators who make a choice between this argument and other arguments."

McGee: "The National Rifle Association's legislative office is the organization's watchdog. It keeps a constant eye on gun control proposals. It has a file on gun control laws of every state. It takes in reports from local committees.

"A teletype in the legislative suite receives reports from state capitals. Whenever a state lawmaker introduces a gun control bill, the information is quickly fed to this office.

"NRA membership files are bulging. They include some powerful names. United States Senators, state legislators, judges, civic leaders and police officials. There are members in every state. Seven hundred and fifty thousand in 12,300 affiliated clubs.

"Applications for membership, at five dollars a member, flood the mail room. NRA is growing, at the rate of 50,000 new members a year. About a third of the new members are teenagers who show a growing interest in shooting as a sport. However, the influence of NRA goes beyond its membership. Because of its marksmanship and training programs, it has strong connections with a number of other organizations, from the Boy Scouts to the U.S. Army.

"As a non-profit organization, the NRA has third-class mailing privileges. It sends out a steady stream of magazines, training manuals, information, plus about 50,000 news releases a year. The sub-basement of the building houses a well-equipped shooting range. It's used by some of NRA's 230 staff members. Outsiders are allowed to use it also. One local shooting club, welcomed at the range, is made up of sons and daughters of Congressmen.

"The Annual National Shooting Championship at Camp Carey, Ohio, are sponsored by the NRA. But the government pays for the camp lease and the bullets, part of the indirect government subsidy of some NRA activity. From teenager to Olympic champion, the marksmen at Camp Carey this year overwhelmingly endorsed the NRA position on legislation."

Voice: "It seems like most of the law that's been proposed so far is law that only the law-abiding will comply with."

Voice two: "I think that perhaps if laws were geared more towards requiring people to pass firearm safety courses or some type of thing such as this, then the law might be useful. But just to restrict access to firearms, I don't think is anything at all."

Voice three: (Woman) "I think that if a person were going to need a gun for some illegal purpose, he would get it in some other way, other than a legal way. If guns were not within his grasp, place selling them, he might kill a police officer or something along that line. So I feel that any restrictions upon guns would probably be most disastrous in the long run."

Voice four: "They would be very injurious to the public in general. And then we, the sportsmen, would be denied a heritage, which I think is a very important thing under the American institution."

McGee: "O-165 is the New Jersey gun registration law which went into effect this month. NRA rifle clubs and gun shop owners are trying to have this new law declared unconstitutional."

Voice: "This jar is to fight, or to remove A-165 from the present state legislature. This is placed here so that sportsmen can drop their contributions in this jar, and as we will need a goodly amount of money to run this to the United States Supreme Court which is our intention.

"It is our opinion that the citizen has the right to keep and bear arms by virtue of the Second Amendment of the Constitution of the United States."

Another (Contending) Voice: "Now this is a mis-statement of the United States Constitution. As a matter of fact, the United States Constitution states that each state is entitled to have a militia, and for that purpose the citizens of that state have the right to bear arms. And it must be remembered that this was written at a time when the government did not purchase arms and ammunition for its citizens. But each citizen was, as a matter of fact, in those days a pioneer, and for his own safety and security and for the purpose of getting food, had to have a rifle or shotgun. As well, perhaps, as a pistol or revolver."

Voice: "Restrictive legislation at the present time is the initial step in the take-over of this country. Remember, 19 of your 21 great nations in world history have been taken over from the inside, never from the outside. They decayed from within, and were taken over very easily from within.

"And here local people with firearms, and for their own protection and for the protection of the country, would be a very, very good thing."

Another Voice: "It's like trying to grab a fistful of fog. It's like saying, as some of these people do, 'We need these rifles and shotguns in order to keep the communists off our shores.' And it serves no purpose to tell them that this is a nuclear age, and we are well passed the spirit of 17 hundred and 76, at least with respect to defending ourselves with rifles and shotguns."

Voice: "We have had unfortunate type of incidents in respect to our fighting the type of legislation which is not good for the United States. In that, it has been revealed to us, that on some occasions, that an underground force has been in the field of this operation which is aimed at disarming the American people."

Another Voice: "Throughout the country, in the last seven or eight years, we have had 8500 or more murders a year. And these 8500 or more murders have been committed by persons who are not only criminals, but fall into other categories, as for example, the FBI Reports indicate to us that over 80 per cent are committed by people who are emotionally or mentally disturbed. Now the availability of guns to these people, in my opinion, has caused many of these murders."

Voice: "It is assumed that strict gun-control laws, if we know what those mean, will stop crime in America. It is our view that crime is related to the purpose and intent and what is in the heart of man, and not what a gun would prescribe."

Another Voice: "On occasion I have very facetiously pointed a finger at these people, and said, 'Bang! Bang!' And when they looked at me and said, 'Now what are you doing?' I said, 'I just killed you.' They said, "Well, you're being silly.'

"I said, 'No, I'm not being silly. It must be appreciated that you don't kill with a finger. You kill with a weapon.' "

McGee: "There is unending and sometimes shrill opposition to supporters of gun-control. Half a dozen major shooting magazines constantly push the gun-lobby party line. That the citizen has an almost unqualified right to buy and bear arms. NRA does a hefty amount of publishing. In addition to the monthly magazine, the 800,000 circulation American Rifleman, the organization prints about one hundred different titles every year. These include training and technical manuals, pamphlets concerning shooting matches, and outright propaganda on what NRA calls the 'gun law problem.'

"All the propaganda from the gun lobby cannot obscure the fact that there are about 17,000 fatal shootings a year in this country. But the NRA says no gun control law could have stopped Charles Whitman from buying a gun.

"There is a relationship between tough gun laws and the number of homicides. Texas has a weak weapons law. And a study for one year showed that Dallas had a murder rate nearly three times higher than New York, which has the country's toughest state law on pistols and revolvers.

"Nationally, the prospect for a strong gun control bill is in doubt. The Senate is likely to pass some sort of measure which may include restrictions on mail order sales of guns. The bill could run into trouble in the House. A number of Congressmen from the West, where hunting is popular, reportedly oppose any gun control measure. And despite President Johnson's public call for passage of a federal bill, it is said that he is putting no direct pressure on Congress. And the absence of such pressure makes it easier for Congressmen to proscrastinate. It is quite possible that, for the foreseeable future, Americans, good and bad, sportsman and killer, will find it just as easy to acquire guns as they have in the past."

CRIME IN THE CITIES

Mr. RIBICOFF. Mr. President, the problem of crime in our large cities can be attacked from many points of view. Almost everyone is agreed, however, that top-flight policemen must be attracted to the force as a minimum first step.

As an editorial in today's Washington Post points out, a substantial boost in pay for Washington, D.C., policemen is urgently needed. As the editorial notes, 11 men resigned from the force early this month, and 10 of them signed on with a suburban police force which offers higher salaries.

There are several bills now languishing in the District Committee which would raise police salaries in the District. One of them is my own bill, which would increase pay for both police and firemen. Certainly action is needed on some legislation to provide attractive pay for those men who are asked to put their lives on the line daily.

The Post editorial cogently states the case for such legislation. I ask unanimous consent that it be reprinted in the RECORD.

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

EXODUS OF POLICEMEN

Washington has reason for alarm in the attrition of its Police Department. Last month the force lost 17 privates with less than three years of experience, and the exodus this month appears to be increasing. Three new resignations were turned in Wednesday. Despite all Chief Layton can do to bring in more recruits, it is extremely difficult to maintain the force in good working order under these conditions.

Of course this is not a problem peculiar to Washington. The local force has 241 vacancies; Baltimore has 360. When representatives of the Washington police were trying to recruit men in the Appalachian coal mining area recently, they ran into heavy competition from Los Angeles. Nearly all of the police forces of the large American cities are operating under their authorized strength.

But this fact accentuates the problem instead of relieving it. With competition for recruits so keen, Washington must be in a position to make attractive offers to the limited number of men who are willing to undertake the arduous work of a policeman. At present it is not in such a position.

Ten of the 11 men who submitted resignations in the first few days of this month went to the Prince Georges County force. Prince Georges offers them a higher starting salary, and air-conditioned scout cars instead of foot-patrol duty. Good policemen are needed in the suburbs as well as in the District, but it doesn't make sense to have the Metropolitan Police drained of its manpower for want of adequate pay and good working conditions.

Much is being done by way of training potential policemen and by way of attracting high school graduates into the program. But these measures are defeated in part by the loss of young privates to other jobs. Only a substantial boost in police pay is likely to bring in the needed recruits and to hold them once they are on the force. This would seem to be an essential starting point for the program of better law enforcement in which the President is so much interested.

FINE WORK OF SENATOR RIBICOFF'S SUBCOMMITTEE ON EXECUTIVE REORGANIZATION

Mr. WILLIAMS of New Jersey. Mr. President, last week I was privileged to be able to appear before Senator RIBICOFF's Subcommittee on Executive Reorganization, which is currently holding hearings on the organization of Federal programs in urban areas. At that time, I urged the establishment of a permanent legislative Committee on Urban Affairs. I am delighted and honored that my distinguished colleague has joined with me in sponsoring a resolution to create such a committee which was introduced yesterday. This is another example of Senator RIBICOFF's deep and continuing concern for the massive problems of our cities in crisis. It was this concern which prompted him to conduct extensive hearings in his own Subcommittee on Executive Reorganization. The Senator is not only helping the Congress to meet its serious responsibilities to the city dwellers of America, he is properly discharging the assigned task of the subcommittee he heads, which is to insure that Federal programs are effectively being carried out in our cities and elsewhere. He has performed an outstanding public service by letting the voices of the cities be heard in the halls of the Congress, and the hearings are providing a wealth of valuable facts on the crisis of our cities. Mr. President, I want to take this oportunity to compliment and thank my colleague and the members of his subcommittee for what they are doing in helping the Congress meet the needs of our cities. I ask unanimous consent that excerpts from my testimony before Senator RIBICOFF's subcommittee be included in the RECORD at this point.

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

EXCERPTS FROM INTRODUCTORY STATEMENT BY SENATOR HARRISON A. WILLIAMS, JR., ON STANDING COMMITTEE ON URBAN AFFAIRS, SEPTEMBER 8, 1966

As far as the Congress is concerned, our cities exist in a vacuum or a legislative limbo. The farmer can turn to the Agriculture Committee, the astronaut and the space scientist to the Space Commission, the soldier to the Armed Services Committee, the educator and the working man to the Committee on Labor and and Public Welfare; but the harried citizen of our overcrowded city has no place to turn in the Congress to plead his case. Mr. President, approximately 70 per cent of America's population lives in cities or in urban areas. The Congress appropriates huge sums of money each year for road construction, housing, air and water pollution control, and for education and the war on poverty. We have even created a Cabinet level Department to speak for the cities in the Executive branch, and to plan for the future of our cities.

The new Department of Housing and Urban Development is the only Cabinet level department which does not have one Committee to which it reports and which can exercise proper legislative jurisdiction over its far reaching activities.

Mr. President, as we look to the future of our life in America, we must think of the style and quality of the life we are building for future generations. The migration to

the cities has fundamentally changed the structure of America from rural to urban.

These people deserve the full time and attention of the Congress. They deserve a Committee to study their problems and make appropriate legislative recommendations to the full Senate. They need, if you will, an "in house lobby" to speak and to argue for their interests, as the Agriculture Committee does for the farmer, and the Space Committee does for the space program. They need the help that a full-time staff can give to the Congress in developing new and better programs for our hard-pressed cities.

Therefore, I am today offering a Senate resolution creating a permanent Standing Committee on Urban Affairs. This Committee would consist of fifteen members and would have the following areas of jurisdiction: public and private housing; recreation and open space in urban areas; urban mass transportation; measures relating to urban planning and development; and air and water pollution originating in urban areas. Given this broad jurisdiction, the Committee could study and act upon the total spectrum of the complex problems of our cities. Their unified approach could focus the resources of Federal Government scattered throughout many Federal agencies into a combined attack on the illnesses now plaguing our cities.

I would point out to my colleagues who would be interested in serving on this Committee that it will not be a major Committee under Rule XXV of the Senate. In other words, a Member could serve on this Committee without being forced to give up his seat on one of the two so-called major Committees on which he now serves. In this technical sense alone, the Committee would be a minor Committee. But in terms of its task and grave responsibilities, it would soon become one of the most important Committees in the Senate.

Mr. President, there are two very practical reasons for the establishment of such a Committee now. The funds we authorize for use in our cities are already vast and are growing each year. We have a serious responsibility to exercise the closest legislative oversight of what funds are authorized and how they are ultimately used. This body should have the advice and assistance of a committee adequately staffed to study the total impact of Federal aid on our cities, to review the successes and failures of the existing programs and to develop bold and imaginative new proposals for the years ahead.

I am also gravely concerned about the course the newly developed Department of Housing and Urban Development will take. It is my deep conviction, which I am sure is shared by Secretary Weaver and his able assistants, that the emphasis of the Department should be at least as much on Urban Development as it is on Housing. In supporting the creation of this Department, it was not my intention just to give the FHA a glamourous new title and a prestigious letterhead. I wanted and supported a Department that will imaginatively explore the area of mass transportation, proper land use, better zoning laws, and good urban design. It should not be, and I am confident it will not be, a mere housekeeping or money lending agency. But to perform its task, to survive and to grow in the internecine jungle warfare of downtown bureaucracy, it needs the assistance and support that only a full standing committee of the Congress can give it. It seems strange to me that the newly born space program very promptly received the help of a full-time legislative committee. Surely, if one agency and the expenditure of five billion dollars can justify the attention of a full Committee, the millions of Americans and the billions of dollars at work in our cities deserve as much or more attention and study. I for one am much more interested in abolishing the cancerous ghettos of our cities, than I am in exploring the craters of the moon.

Mr. President, we talk often of the Great Society we are building. We talk of the quality of life we hope to create here in America. In reaching these goals, we cannot neglect the growth and the future of our cities. We cannot let them become grey canyons of despair, barren parade grounds of asphalt and of concrete.

Too often our cities are living proof of Thoreau's baleful comment that "the majority of men live lives of quiet desperation." Our cities must be places of light and hope, where the Americans of the future can live and raise their families in an environment which allows them to use their talents and their skills to the fullest. The great benefits of the city in terms of education, culture, good medical care, recreation, and entertainment have lured men from the countryside since the beginning of civilization. What can we say of our own civilization if we allow these magnets for human ambition and hope, to become barren prisons of despair, locking out the sunlight, and crushing the joy of living, in smog, squalor, and slums. Mr. President, the resolution I am offering is a small but important gesture; it will demonstrate to all Americans that Congress has recognized and will face up to the serious problems of our cities, now and in the future.

WEST VIRGINIA DROUGHT REQUIRES EMERGENCY ASSISTANCE NOW

Mr. BYRD of West Virginia. Mr. President, for the second time in 2 weeks, I find it necessary to report an unbelievable lack of consideration, by the U.S. Department of Agriculture, of the plight of West Virginia farmers and dairymen and a confusing lack of support by the USDA for its own employees in West Virginia.

West Virginia is undergoing its fifth consecutive year of drought—a situation which has left our farm pastures and hillsides barren and dry. It has left our farmers heavily in debt and without means of obtaining private credit, reportedly without the ability to repay loans from the Farmers Home Administration, and with only one alternative—to sell their livestock at below-market prices and risk going out of business.

It is needless for me to point out here the effect which a general decrease in the dairy industry would have on the economy of West Virginia, where 65 percent of our people still live in rural communities.

Farm owners and operators in 30 West Virginia counties have applied for emergency livestock feed under existing Federal programs. The first applications were filed after a meeting by the West Virginia State Disaster Committee on July 19, 1966. No aid was forthcoming then, nor has it been to date. I called a meeting of State and USDA officials early last month to discuss the problem, but again to no avail.

An investigator was sent by the USDA to West Virginia to review conditions, and a report was made that pasturelands in some areas were in poor condition. The investigator said he would seek additional information from the Agricultural Stabilization and Conservation Service and from farmers in West Virginia counties before deciding on the applications for livestock food. However, the inspection was made at least 2 weeks ago and the farmers still have not received their assistance.

May I quote this section from a column written recently by Miss Sylvia Porter, the noted syndicated financial writer:

> In sum, weather has been a key—if not the biggest single—factor behind the 1965–1966 food price rises.

It is recognized that the drought is driving farmers out of business in West Virginia with the only logical conclusion that dairy products and beef will be in short supply this winter and next year. If prices climb again for these foods, I feel certain that the cause will be the lack of consideration shown to farmers in West Virginia and elsewhere at this time when they need help to feed livestock and to stay in production.

The USDA issued its report entitled "The Dairy Situation," on September 7, which started out this way:

> Milk cows on farms in June were estimated at 14.6 million, (or) 5.9 percent below a year earlier.

It noted these other important points:

First. July milk production totaled 10.5 billion pounds, down 3 percent from a year earlier. The January-July total was 4 percent less than the same period of 1965.

Second. Total stocks of manufactured dairy products, practically all in commercial hands, totaled about 6.4 billion pounds at the end of July, down 30 percent from a year earlier.

Third. Imports of dairy products for the import year ending June 30, 1966, were 1.8 billion pounds milk equivalent, about double those of a year earlier.

Fourth. With dairy labor shortages, generally increasing costs, fewer replacement stocks and continuing high prices for slaughter cows, dairy cow numbers likely will decline further.

It is unbelievable to me that the USDA has not shown more concern for this decline in the production of dairy products and for the factors which indicate that overall production will decline further in coming years—with increasing food demands in this country.

USDA personnel at the ASCS office at Morgantown, W. Va., were forced to meet today with farmers in Elkins to seek a solution to the livestock feed problem. One official noted that the USDA may be misled by recent rains which, he said, did not have the effect that was generally expected. Pasturelands are still not offering feed for the livestock as is needed.

Mr. James Bivens, deputy West Virginia State commissioner of agriculture, reports again that farmers in the State are selling beef cattle at a rate 25 percent above that of last year—which was higher than ever before because of drought conditions.

Mr. Bivens reports that because of the absence of pastures and grains, those farmers who want to remain in business are already feeding their winter hay to

livestock. The hay and grazing privileges are not solving the problem, for there is little ground cover on that acreage. The cost-participation program, for ground cover seeds, will not offer feed for this year.

The question that is in everyone's mind is, "If winter hay is being fed to livestock now, what will be available in later months?"

Moreover, farmers who are closely associated with the operations of dairy farms know the major transportation demands that may face the country in shipping hay into disaster areas this winter.

Finally, the tragedy of this delay by the USDA is the timelag that will result if farmers are forced out of business now, only to be encouraged to return at some future time when the shortage of dairy products becomes really serious.

Mr. Bevins points out that—

> At least seven years' time is needed to develop a top-grade producing herd. From the time a calf is purchased, reared to maturity, produces another calf and ultimately produces good milk—almost seven years will have elapsed.

I believe we all realize what damage a situation such as that could inflict upon domestic food supplies.

I am told unofficially that the USDA is deliberately withholding its approval of these applications for livestock feed because of claims of mismanagement made against the Department several years ago.

I will not pass judgment on those claims, but I believe the USDA can stand behind the reports of its own employees who are today in the field and who have first-hand information on drought conditions. It would appear to be serious mismanagement by the USDA to continue to disregard their reports for assistance.

Mr. President, I ask unanimous consent to insert in the RECORD a news story which appeared in the September 8 edition of the Charles Town, W. Va., Spirit of Jefferson Advocate, which calls attention to the worsening of the drought situation, and I also ask unanimous consent to insert the Washington Star column by Sylvia Porter, to which I have already alluded, together with data from "The Dairy Situation," the report supplied by the U.S. Department of Agriculture for September 1966.

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

[From the Spirit of Jefferson Advocate, Charles Town (W. Va.), Sept. 8, 1966]

DROUGHT SITUATION WORSENS, NO RAIN IN WEATHER REPORT

Despite the break in the extreme 90-degree, or better, temperatures which scorched this section and its residents for much of July and August, the drought situation worsens, and according to all advance weather predictions there is still no rain in sight, or at least for this section.

The local drought is already so critical it has passed the conditions which existed in the terrible drought of 1930 and is fast nearing the one of 1920, according to figures compiled by the Weather Bureau Agricultural Service office in Kearneysville.

The rivers, streams and wells of the section and area are at new water lows and in many places the rationing of water has either been in force, or is now being put into practice. To date Charles Town's water supply has been holding up, but unless some rain is soon forthcoming, this situation could change quickly, it was reported.

And with the long severe drought of not only this past Summer, but also of the past several years, has come empty barns, and graneries and problems for the livestock industry in this section and area.

Livestock feed supplies have been cut in half by the long drought conditions and it has been estimated that it will require 150 thousand tons of imported hay to maintain the sheep, cattle and dairy cattle in West Virginia alone during the Winter months.

Usually when hay is needed it is purchased in Northern Ohio, Southern Michigan and Western Pennsylvania.

With the shortage of livestock the price of the hay and other feeding grass that is available has been moving up rapidly, thus adding more problems to those which the farmers are already faced with. West Virginia Commissioner of Agriculture Gus R. Douglass said he has been seeking some form of Federal grant for the West Virginia livestock industry since many of the farmers have exhausted their credit and are not in a position to take advantage of some limited federal aid which has been offered. But he reports that no requests for federal assistance in securing feed grains have as yet been approved.

Several days ago West Virginia's U.S. Senator ROBERT C. BYRD sharply criticized the U.S. Department of Agriculture for refusing livestock feeds to the drought areas of West Virginia.

[From the Washington (D.C.) Star, Sept. 8, 1966]

YOUR MONEY'S WORTH: WEATHER AND LIVING COSTS

(By Sylvia Porter)

Question. What has a drought in July in the corn belt to do with the price of butter in 1967?

Answer. The resulting reduction in U.S. corn production, down 5 percent this year from last year, inevitably means a rise in the cost of animal feed. Since more than three-fourths of our corn production is turned into livestock feed, higher animal feed prices will surely also put pressure on the prices of meat, milk, butter, eggs in the months ahead.

Question. What has this summer's scorching July weather to do with the price of eggs?

Answer. Because hens prefer not to lay eggs in hot weather, this was a key factor in forcing egg prices up from coast to coast. Limited egg production has meant boosted egg prices to the consumer.

Question. What has a tornado to do with the cost of grapefruit?

Answer. Tornadoes in Florida last winter forced retail grapefruit prices up 10 percent in February—vs. a normal price decline—and a late January freeze in Florida cut seriously into the normal February price drop for oranges.

Question. How big a factor is the weather in the hefty over-all consumer price rise of 2.8 percent from July, 1965, to July, 1966?

Answer. While the impact, either short-term or long-term, of weather trends on the cost of living obviously cannot be precisely calculated, there is no doubt that it has been a crucially important factor behind food price rises in recent months. Food bills rose a full 5.3 percent in the first six months of 1966 over the first six months of 1965 and food accounted for one-fourth of the July-July cost of living increase.

Last winter's sub-zero weather in the grain-growing belt definitely led to smaller wheat crops, cuts in our wheat surpluses, and to today's rising flour and bread prices. Spring snows in the Midwest seriously damaged fruit crops and killing frosts in the Great Lakes region in May also helped boost fresh and canned fruit prices this summer. Early spring rains and late spring frost in big growing areas contributed to June price rises for many fresh vegetables.

In sum, weather has been a key—if not the biggest single—factor behind the 1965-1966 food price rises.

When the weather is taken a step further into the cost of living index, these are some of the fascinating questions which pop up: How much does an unusually hot summer increase consumer demands for, and prices of, air conditioners and swimming pools? How much does an unusually severe cold spell boost construction and home repair costs—and the over-all cost of housing to the homeowner? Does an unusually brutal winter help raise auto insurance because of boosted accident rates? How much did good weather last March in many parts of the country contribute to the seasonal price rise of used cars at the start of the spring driving season?

Should the Consumer Price Index be "weather proofed" if we have no control over price-increasing droughts, freezes and floods? Should forecasts of future prices continue to be based on good weather when good weather is seldom "normal" for any period of time?

Even a weather-proofed CPI would not reverse the scaring cost of services—which accounts for one-half of the total consumer price rise. Weather alone cannot explain away this year's total anticipated consumer price rise in the 3-4 percent range. But next time "abnormal" weather—hot or cold, wet or dry—hits almost anywhere in the U.S., there can be virtual certainty it will push up the cost of living weeks or months later.

[From the report of the U.S. Department of Agriculture, September 1966]

THE DAIRY SITUATION

(Approved by the Outlook and Situation Board, Aug. 26, 1966)

Milk cows on farms in June were estimated at 14.6 million, 5.9 percent below a year earlier. With improved price and income prospects, changes during the next year are likely to be closer to the 3 percent annual average decline. Milk production for 1966 likely will total between 120½ billion and 121½ billion pounds, depending on gains in milk production per cow during the rest of 1966. January-July output per cow was only 1.5 percent above a year earlier. However, in June-July milk per cow was up about 3 percent from a year earlier.

July milk production totaled 10.5 billion pounds, down 3 percent from a year earlier. The January-July total was 4 percent less than the same period of 1965.

In past years rising prices have brought about increased milk production. The August price of all wholesale milk was $4.94, 24 cents above July and 74 cents above a year earlier. Manufacturing grade milk averaged $4.18 (3.65 percent milkfat). Adjusted to U.S. average annual fat test it was $4.26, some 26 cents above the support level. Further seasonal increases are expected until the fourth quarter peak, usually reached in November.

With rising milk prices, milk-feed and milk-livestock price ratios are expected to continue favorable to milk production. The January-July milk-feed price ratio averaged highest for any year on record; the July milk-beef price ratio was above the 5-year average; and the milk-hog price ratio was

above a year earlier and expected to rise further during 1966. Milk production gains will be limited by movement of dairy farmers and dairy labor off the farm; largely because of rising costs and continued off-farm opportunities.

Milk available for manufacturing in 1966 likely will be down about 7 percent from 1965. The decline is causing lower butter and nonfat dry milk production, down 22 and 24 percent, respectively, from a year earlier in January–July. Output of other major dairy products generally was above a year earlier.

Total stocks of manufactured dairy products, practically all in commercial hands, totaled about 6.4 billion pounds (milk equivalent) at the end of July, down 30 percent from a year earlier. The 11 percent gain in commercial stocks was due to increased butter holdings—90 million pounds, up from 58 million a year earlier. Cheese stocks were down slightly from a year earlier. Manufacturers' stocks of nonfat dry milk were 4.3 percent above a year earlier.

Imports of dairy products for the import year ending June 30, 1966 were 1.8 billion pounds milk equivalent, about double those of a year earlier. However, only 77 percent of the cheese import quota was filled. World production of milk and manufactured dairy products is rising and large supplies are available from Western Europe and Oceania. Common Market agricultural policies favor increases in EEC domestic production and exportable supplies. In the 1966–67 import year, foreign suppliers are likely to continue to offer dairy products at competitive prices in the United States. U.S. dairy exports in 1966 are limited by the availability of products. They may total 0.4 billion pounds milk equivalent and around 0.5 billion pounds of nonfat dry milk compared with 1.9 billion pounds milk equivalent and 0.9 billion of nonfat dry milk in 1965.

SITUATION AND OUTLOOK

Sharp drop in cow numbers

The number of milk cows on farms in the United States in June 1966 was estimated at 14.6 million, down 5.9 percent from a year earlier. This compares with 3.2-percent decline from a year earlier in June 1965 and 2.9 percent annual average decline for 1955–64. The June estimate tends to approximate the average number of milk cows for the year.

Sharply improved prices for milk, and manufacturing milk supports at $4.00 per 100 pounds, 89.5 percent of parity, through March 1967, are likely to slow down the sale of dairy herds and reduce culling during the rest of 1966 and in 1967.

Milk-livestock price ratios have moved upward this year as dairy prices have risen. Prospects for further declines in hog prices and little change in beef-cattle prices this fall would improve dairy prices relative to livestock prices. However, with dairy labor shortages, generally increasing costs, fewer replacement stock and continuing high prices for slaughter cows, dairy cow numbers likely will decline further but at a lower rate than during the past year.

The number of farms keeping milk cows, according to information from a limited number of States continued to decline at about the same rate from 1959 to 1964 as from 1954 to 1959. However, the change in 1965 and early 1966 was at a much more rapid rate. Generally improved farm and nonfarm alternatives, rising production costs, and increases in livestock prices, especially those for beef cattle and slaughter cows, were major factors involved. Also contributing to the decline were relatively poor feed conditions in Midwest dairy areas last fall and winter and dairy labor shortages, which developed as nonfarm employment increased.

In a recent survey of 7,231 Wisconsin farmers that stopped selling milk during November 1964–February 1966, about 50 percent—3,619—gave reasons for herd disposals. One-third of the 3,619 farmers, stopped dairying for personal reasons, such as age or retirement of operator, ill health, and so on. Most of the farmers had owned small herds. Another third cited economic reasons such as low income and cost of expansion; a fourth gave labor or its cost as reasons; and the remaining 12 percent, miscellaneous reasons including feed supplies and disease. The relative importance of reasons farmers quit dairying undoubtedly varies from one area to another. However, this survey illustrates the wide variety of developments leading to the decline in dairy herds.

In all geographic regions, milk cow numbers in June were less than a year earlier and the rate of decline quickened. Decreases ranged from 8.9 percent in the West North Central Region to 2.7 percent in the Western Region. The decline from June 1965 exceeded 10 percent in Rhode Island, Iowa, North Dakota, and Alaska, and was 6 percent or more in 7 of the 10 leading milk-producing States. The 3 exceptions were Pennsylvania, Wisconsin, and California. Four States—Florida, New Mexico, Arizona, and Hawaii—increased milk cow numbers from June 1965.

January–July milk output 4 percent under year earlier

July milk production was estimated at 10.5 billion pounds, 3.2 percent under a year earlier, and the smallest output for the month since 1939. The June estimate was revised downward slightly to 11.4 billion pounds, 2.9 percent below June 1965, in line with results of the midyear review of cow numbers.

January-July production totaled 74.2 billion pounds, 4.2 percent less than last year's 77.5 billion. Milk output was up slightly in the Southeast and Delta production areas for a year earlier but remained the same in the Southern Plains Region. In all other regions, production declined. The decline approximated 3 percent in the Northeast, 7 percent in the Lake States, and 6 percent in the Corn Belt, the three leading production areas.

January-July cow numbers averaged about 5½ percent lower than a year earlier, while milk production per cow gained only 1.5 percent. Thus, the effect of declining cow numbers was only partly offset by increasing output per cow. Output per cow was 5,025 pounds compared with 4,951 pounds for January-July 1965. This gain compares with the 2.7 percent increase in 1965 over January-July 1964.

In July, U.S. output per cow averaged 2.8 percent above a year earlier, with gains in all but 6 States—Wisconsin, Missouri, Montana, New Mexico, Alaska, and Hawaii. The output gain was slightly below the long-time average despite 7–8 percent increase over a year earlier in grain and concentrates fed per cow. Hot dry weather in most of July, that reduced pasture conditions to the lowest level since 1954, contributed to the decline in output.

Total output for 1966 will depend chiefly on the amount of cow slaughter and the rate of gain in output per cow during the rest of 1966. The drop in cow numbers was the chief reason for lower production in 1965 and so far in 1966.

Based on the June milk cow numbers, (usually about average for the year), total milk production for 1966 would be about 120½ billion pounds with a 2-percent average gain in output per cow for the year; about 121 billion with a 2½-percent increase; and about 121½ billion with a 3-percent gain. Generally, conditions now are much more favorable to increased milk production than they have been for some time. Because of the relatively low level of output per cow last fall and winter, milk per cow may gain more than usual in the months ahead.

Dairy prices now are in much better balance with livestock and crop prices than a year ago. The milk-feed price ratio favors heavy feeding of grain and concentrates. Prospective hay and forage supplies appear sufficient for anticipated dairy cattle numbers. Increased dairy prices and income are expected to reduce herd culling and dairy cow slaughter during the rest of 1966. However, retirement, increasing costs, dairy labor shortages at prevailing farm wage levels, and off-farm opportunities are likely to continue to reduce the number of dairy herds.

Dairy pasture conditions worsen

Dairy pasture conditions on August 1 averaged 67 percent of normal—the lowest U.S. average for the date since 1954—compared with 75 percent a year earlier and 77 percent for 1960–64. Unusually hot weather during most of July together with spotty and below-normal rainfall in much of the country, dropped dairy pasture conditions by 15 points during July. On June 1 and July 1, pastures had been slightly better than in 1965. One of the hardest hit regions included the area stretching from Pennsylvania and New Jersey to North Carolina. In this region pastures averaged about 30 to 50 percent of normal and most dairy herds received all their roughage in supplemental feeding of hay, silage, and green chop. Pastures in the North Central States declined in July because of high temperatures and spotty rainfall. However, August 1 conditions were better than a year earlier in Ohio, Wisconsin, Michigan, and Iowa.

Farmers increased grain feeding to help offset the poorer pastures. On August 1, grain fed to cows averaged 8.4 pounds daily, an increase of almost 8 percent above year-earlier levels and 29 percent above the 1960–64 average. Greatest increases in grain feeding were particularly evident in States with poorer pasture conditions. Eleven States including 8 in the Northeast, reported over 10 pounds of grain and other concentrates fed daily per cow on August 1. Daily rates ranged from 12.5 pounds per cow in Maryland to 5.0 pounds in Montana.

The cost of 16 percent dairy ration averaged $3.82 per 100 pounds in August, up 14 cents from August 1965. The value of concentrates fed dairy cows in August was $3.12 per 100 pounds; this was a 7-cent increase over August of last year.

As of August 1, feed grain production in 1966 is expected to be 6 percent below last year's record output, though 3 percent above the 1960–64 average.

The 1966 hay crop was estimated at 113.3 million tons on August 1—down 9 percent from last year's 124 million record, and 4 percent below the 1960–64 average. Production for 1966 was estimated to be above last year in all North Atlantic States, except New Jersey and Pennsylvania. Declines were indicated in all North Central States during 1966, except Wisconsin and Iowa. Although first cuttings of hay were good in many areas, second cuttings were limited by hot weather and light rainfall in July. Nationally, farmers paid an average of $32.20 per ton for alfalfa hay on August 15, $1.10 above last year.

MIGRATION OF TALENTED PROFESSIONAL PEOPLE TO THE UNITED STATES

Mr. MONDALE. Mr. President, on Wednesday, August 31, I addressed the Senate on the difficult problem of the brain drain from developing countries. I pointed out in my speech that the

large-scale migration of talented professional people from these countries to the United States and other advanced nations threatens one of the paramount objectives of our foreign policy—reducing the gap between the rich and poor nations of the world.

The brain drain is particularly severe in medicine, in a world where about 30,000 persons die daily from hunger and preventable diseases. One article on this subject, by Dr. G. Halsey Hunt of the Educational Council for Foreign Medical Graduates, was published in the April 1966 issue of Federation Bulletin. He cites the staggering fact that, according to the latest figures, 10,974 out of 41,102 interns and residents working in American hospitals are graduates of foreign medical schools. Dr. Hunt continues:

> It is a depressing and humbling experience for an American doctor to visit a medical school in one of the under-industrialized countries of Asia, to have his host open the conversation with a bland statement that "You people in the United States, and your hospitals, couldn't get along without our doctors," and to realize that at the present time this is indeed a fact.
>
> If the 11,000 foreign graduates who are now occupying internships and residencies in United States hospitals were to be suddenly withdrawn, many United States hospitals would be forced to curtail sharply their services to patients. I submit that for the long run this is a completely untenable situation. By almost any standard of measurement, the United States is the richest country in the world. American standards of medical education and medical research and hospital practices are among the highest in the world. It ill becomes us to depend permanently on other countries for the production of medical manpower to provide services to American patients.

Another report on the brain drain in medicine, the most complete now available, is an article by Dr. Kelly M. West of the University of Oklahoma School of Medicine. This article, entitled "Foreign Interns and Residents in the United States," was published in the December 1965 Journal of Medical Education. Dr. West gives a very thorough analysis of the evidence now available, and he concludes:

> Some countries such as Korea, Iran, Greece and Peru are losing substantial portions of their very limited medical manpower through migration to the United States. Many other countries are sustaining significant losses. The immigration of foreign graduates now accounts for a substantial percentage (18 per cent) of the annual additions to the U.S. medical profession. We would have to build and operate about 12 medical schools to produce the manpower being derived through immigration (approximately 1,200 per year). The dollar value per year of this "foreign aid" to the United States approximately equals the total cost of all our medical aid, private and public, to foreign nations.

Because they provide such invaluable information for consideration of this problem, I ask unanimous consent that these two articles be printed in the RECORD at the close of my remarks.

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

(See exhibit 1.)

Mr. MONDALE. Mr. President, there is no immediate answer to the problem of the brain drain in medicine; it has been brought about, fundamentally, by our inexcusable failure to train enough American doctors to meet our own needs. The only longrun solution is to expand opportunities for medical education for our own citizens. Until then, we will have no choice but to rely on some foreign doctors in cases of clear need.

But we should be planning now to move toward a situation where the richest nation in the world is able to meet its own medical needs. Then when we invite doctors from developing nations to this country, we can concentrate on providing them with training to handle the problems they will face upon returning home.

How such special educational programs might be developed in one particular field—public health microbiology—is discussed in a thought-provoking article by Dr. Carl Lamanna of the Office of the Chief of Research and Development in the U.S. Army. Writing in the February 1966 issue of the American Journal of Public Health, Dr. Lamanna says:

> By improving the training offered, and becoming concerned with questions of professional attitudes, the faculties of American universities can make a special contribution to help the foreign student meet the problems he will face at home.

Dr. Lamanna also discusses the important problem of encouraging microbiologists to work in the rural areas of developing countries, in cases when they are most needed there.

Mr. President, I ask unanimous consent that this article also be printed in the RECORD.

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

(See exhibit 2.)

Mr. MONDALE. Finally, Mr. President, I ask the consent of the Senate that the article by Marquis Childs in today's Washington Post, entitled "A One-Way Flow of Young Doctors," be printed in the RECORD at this point.

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

A ONE-WAY FLOW OF YOUNG DOCTORS

(By Marquis Childs)

In a New York hospital, virtually all resident physicians and interns are Indian, Chinese, Iranian, Pakistani, Argentinians. In a small research laboratory on Long Island, four of the scientists and at least a half dozen skilled technicians are from developing countries around the world.

This is the brain drain that annually transplants to affluent America thousands of the brainiest and most highly trained men and women from where they are desperately needed. Because it defeats one of the principal aims of aid to the developing countries, policymakers here have suddenly become concerned over the extent of the brain drain.

No one knows its exact scope. But as the United States spends billions of dollars to aid struggling new countries, the unlimited American demand for specialists and technicians at the same time siphons off the very people who might make aid effective. A United Nations report showed that 43,000 scientists and engineers emigrated to the United States between 1949 and 1961. While this sounds like a relatively small number, many of them came from countries with virtually no trained and specialized personnel.

The same U.N. report showed that of 11,200 immigrants from Argentina alone between 1951 and 1963, half were technicians and professional men, 15 per cent high-level administrators and 38 per cent skilled workers. An article in *Foreign Affairs* underscoring the brain drain's threat to the developing world reports that 28 per cent of the interns and 26 per cent of the resident physicians in American hospitals in 1964–65 were foreign graduates, nearly 11,000 in all, and 70 to 80 per cent were from developing countries.

Many of these men and women were educated in American universities under a variety of aid programs and with the help of the big foundations. While they may have gone back home briefly, they quickly returned to the land where opportunity and the resources for research are plentiful.

The first tentative steps are being taken to try to check a trend that negates the usefulness of much of the American aid flowing out to developing countries. The distinguished geochemist of the California Institute of Technology, Harrison Brown, foreign secretary of the National Academy of Sciences, is encouraging the formation in a half dozen countries in Latin America, Asia and Africa of indigenous national science councils. American scientists will cooperate in helping to start these councils.

When he was ambassador to Brazil, Lincoln Gordon, now Assistant Secretary of State for Inter-American Affairs, worked closely with Brown to help initiate such a project. A survey showed that not a single university in Latin America was prepared to give advanced degrees in such scientific disciplines as nuclear physics. Gordon hopes to encourage the development on a regional basis of a scientific center so that eventually Latin Americans will not have to go to Europe or the United States for their advanced training.

In India, Summer Science Institutes were initiated in 1963 with the help of American aid and the cooperation of Indian scientists. This year there were 94 such institutes designed to help teachers in universities, colleges and schools become familiar with the latest developments in science and mathematics.

The National Science Foundation, a semi-autonomous agency funded by the Federal Government, sent out a distinguished group of scientists in June to work out with their Indian counterparts a follow-up program in advancing the teaching of the sciences and mathematics.

All this suggests that there are more effective ways to use American aid. In the seed money spent on education under such enlightened proposals as Harrison Brown is furthering there is a potential in growth and development far beyond merely handing out of large sums of money for schools or factories.

It is an answer to Senators who complain that aid is wasted and misused by recipient countries. By pushing for an ever-increasing use of American help in education, these critics could perform a useful service.

Britain has suffered a two-way brain drain. On the one hand, scientists and engineers from the Commonwealth countries have emigrated to London. On the other hand, top British scientists have come to America, lured by generous offers and large laboratory facilities. The little plateau of affluence in Western Europe and the United States is a magnet attracting those who might create a new world out of the ruins of colonialism.

EXHIBIT 1

FOREIGN INTERNS AND RESIDENTS IN THE UNITED STATES*

(By Kelly M. West, M.D.,** University of Oklahoma School of Medicine, Oklahoma City)

During recent years, several publications have reported information and discussed implications or problems relating to the training of foreign physicians in the United States (1–8); and a great many interesting and useful data on this subject have been published by Nunemaker, Thompson, and Tracy (9), who have summarized information gathered by the Council on Medical Education of the American Medical Association and the Institute of International Education.

The purpose of this paper will be to bring together and summarize previously published data, to report some additional information, and to appraise and discuss some of the implications of this phenomenon. The temporary and permanent migration of foreign physicians to the United States has effects of many different kinds on the trainees, on their countries of origin, and, finally on the United States. This paper will present several aspects of this migration, but will concern itself principally with the effects and potential impact of American training of foreign physicians on the health programs of developing countries. Special emphasis will be placed on the potential role of U.S. medical school-affiliated hospitals in providing educational experience of relevance to the special needs of these countries.

BACKGROUND

The large-scale migration to the United States of foreign residents and interns is relatively recent. Prior to 1950, the number of foreign trainees was small, and no systematic counts were made before that time. In 1950 only 308 of the new additions to the profession (licensees) in the United States were foreign graduates. Now the annual rate is more than 4 times this great, 1,451 in 1963 (10). The first data available on the number of foreign residents were for the academic year 1950–51, at which time only 9 per cent of residents in U.S. hospitals were foreign; by the academic year 1963–64, the number had risen to 24 per cent (9). This increase is even more impressive in view of the fact that during this period a limitation on the flow of residents from abroad was introduced in the form of a certifying examination. This examination, which tests the candidate's ability to understand spoken English as well as his professional knowledge and may be taken abroad or in the United States, was developed by the Educational Council for Foreign Medical Graduates (ECFMG) to provide appropriate evaluation and screening of foreign candidates for U.S. internships and residencies. Prior to the introduction of this method of certification, many of these visits had resulted in an experience which was disappointing for both the foreign trainee and the American hospital because the trainee was inadequately prepared to serve in such a capacity.

The ECFMG began its operations in 1957. It was created by 4 sponsoring agencies to deal with some of their mutual problems relating to these foreign trainees. The sponsoring agencies are the American Hospital Association, the American Medical Association, the Association of American Medical Colleges, and the Federation of State Medical Boards of the United States. By July, 1961 all interns and residents from abroad were required to pass the ECFMG examination, and in 1962 there occurred a modest decline in the number of foreign house officers. However, by academic year 1963–64 the number was again nearing the peak level of 9,935, which had occurred in 1961.

Pursuant to recommendations of the sponsoring agencies, the ECFMG has broadened its activities to include the preparation of informational materials for foreign candidates and the promotion of efforts to improve their orientation. In collaboration with its member organizations, it is also conducting a continuing appraisal of certain aspects of the postgraduate training of foreign physicians. A summary of some of the activities of ECFMG has been published recently (10).

WHAT WE KNOW AND WHAT WE NEED TO KNOW

Better planning and control of the migration of foreign trainees cannot be achieved through action from a single centralized source or through a standard fixed policy applicable to all countries. Rather, improvements must be made by a variety of means, mainly indirect. Such changes in planning, attitudes, laws, policies, practices, and customs might be effected at many places and levels, such as foreign and U.S. governments, foundations, and professional organizations; foreign and U.S. hospitals and medical schools; state licensing boards; and international agencies. But the accumulation of information and the development of a better understanding of the migration of foreign trainees are basic to all plans for improving the situation.

Number

In academic year 1963–64 there were 2,276 foreign interns and 6,528 foreign residents training in the approved educational programs of hospitals in the United States (1). These numbers do not include foreign graduates who indicated that they were in the process of immigration to the United States, nor do they include U.S. citizens who are graduates of foreign schools.

In addition to the 8,804 foreign interns and residents there were an additional 1,791 "graduate trainees" in American hospitals who were graduates of foreign medical schools (9). A portion of this latter group were clinical trainees but some were research trainees. There are about 2,000 foreign physicians receiving research training here (2). There is also a small number of foreign trainees serving in training programs which are not accredited. The 1,791 foreign graduate trainees in approved hospitals represent 40 per cent of the total number of such trainees in U.S. hospitals. Probably the title "graduate trainee" is often used instead of "resident" because of regulations requiring licensure of residents. Thus, a significant portion of this group may actually be functioning as residents.

In addition to the 8,804 noncitizen residents and interns in the academic year of 1963–64 there were also 1,225 foreign graduates serving as residents or interns who were U.S. citizens (9), and there were 235 residents who were graduates of U.S. medical schools but who were foreign citizens (9). Finally, there is an undetermined number of foreign citizen graduates of foreign schools serving as interns or residents in U.S. hospitals who have Immigrant Visas and who are in the process of becoming U.S. citizens; these persons number at least several hundred, perhaps about a thousand.

Based on all these considerations, it may be estimated that there is now a total of about 13,000 foreign citizens receiving postgraduate medical training in the United States.

Table 1 shows the numbers of foreign residents and interns by country. It may be seen that a majority of the 8,804 foreign interns and residents are from "developing" countries,* in 1964 about 79 per cent of the foreign interns and approximately 70 per cent of the foreign residents.

The data for an individual nation are often more meaningful when evaluated in the light of the total number of physician graduates per year in that country. For example, Table 1 shows that there are in the United States roughly equal numbers of house officers from Italy (130) and Greece (153). However, the approximate number of graduates per year in Greece is only 424, while in Italy the yearly output is about 3,270. Thus, a very substantial portion of young Greek doctors train in the United States while only a small percentage of recent Italian graduates are receiving U.S. training.

The number of foreign residents training in the United States (6,528) is now almost as great as the total number of residencies offered in the United States twenty years ago (8,930 residency positions in 1945–46) (9). A few countries such as Iran (501), Turkey (216) and Korea (142) have about as many residents training in the United States as they have in their own countries! The special situation of the Philippines is evident; there were in the United States 692 interns and 2,108 residents from the Philippines in the academic year of 1963–64. It may be noted in Table 1 that a very substantial portion of the recent graduates of the schools in the Middle East come to the United States for postgraduate training.

In comparing the number of house officers from a country with its annual production of physicians, it should be kept in mind that the number of trainees who arrive and depart each year is substantially less than the number present at any given time. Data from several sources suggest that the average duration of stay of these trainees is roughly three years. Thus, a country with about 300 house officers in the United States may be sending only about 100 per year.

GEOGRAPHIC DISTRIBUTION

Table 2, developed from AMA data (9, 10), shows the distribution of foreign residents by state. The percentage of residents in each state who are foreign is also given. The distribution of foreign interns is very similar (9). The pattern of distribution is much the same as that of nonphysician immigrants. Many of the foreign residents are in states which have a number of good training programs, such as New York and Massachusetts; but the highest percentages are often found in states with no medical schools, such as Delaware and Rhode Island. This latter finding reflects the fact that there is a greater percentage of foreign residents in hospitals not affiliated with medical schools than there is in affiliated hospitals.

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* Some of these data were developed in studies of the author sponsored by the Association of American Medical Colleges and the National Institutes of Health. However, the interpretations and opinions expressed are those of the author and not necessarily those of the AAMC or NIH.

** Professor of Continuing Education.

*It is difficult to define satisfactorily the term "developing country." All nations are in a sense developing countries. Nor is there a perfect correlation between the degree of medical development and the extent of social or economic development. Yet for purposes of this discussion it was necessary to devise arbitrary standards. The writer has therefore crudely reviewed each country's stage of development and arbitrarily classified certain nations as "developing." In general, countries whose gross national product per capita is below $500 per year were so categorized. By these standards most of the countries of Western Europe are excluded as is Canada and Australia, while most of the nations of Asia, Africa, Latin America, and the Middle East are classified as developing countries.

Table 2 also shows for each state the relationship between the number of foreign residents and the number of foreign graduates who were licensed in 1963 by that state. It is apparent from the data in the last column of this Table that the policies of the state boards vary markedly with respect to the granting of licenses to foreign graduates. These policies have been summarized by the AMA (10).

Immigration

The immigration to the United States of foreign nationals who trained here as residents or interns has not been studied in detail. Since the developing nations can afford to educate only a very limited number of physicians, the loss of physicians to the United States could be a major problem for some countries. For this and other reasons this matter deserves more study than it has received.

However, there are some data available. The immigration to the United States of foreign research personnel and the related problems have been studied recently (2). It is of interest that 26 per cent of American Nobel Laureates in medicine and physiology were born in foreign countries. Insofar as the developing countries are concerned, it appears that about 85 to 90 per cent of physicians who received research training recently in the United States have returned to their native lands. There is evidence suggesting that the losses to developing countries would be much greater if U.S. immigration laws and policies were more liberal. Losses to some Latin American countries of U.S. trained medical research personnel are as high as 25 per cent, probably because emigration from Latin America is much easier than from most of the other developing nations.

Apparently scientists and technologists have always migrated to nations with greater resources (12). Thus, the migration of physicians and health scientists to the United States is not an unusual phenomenon except for its magnitude.

Visa information.—The Institute of International Education in making yearly counts of the number of foreign interns and residents attempted to identify persons who were visitors rather than immigrants. This is difficult to do since some individuals with Immigrant Visas are visitors and some persons with Visitors Visas are potential immigrants. In academic year 1962–63 the visa status of the foreign residents and interns who were classified as visitors was as follows: Twenty-five per cent were on Permanent Resident or Visitor Visas, 67 per cent had Exchange Visitor or Student Visas, 2 per cent had Refugee or Displaced Person status, and 6 per cent carried some other visa classification (13).

Data are not available concerning the number of foreign interns and residents with Immigrant Visas. In 1963 the author reviewed the visa status of 430 foreign research trainees; approximately 60 per cent of these were physicians, many of whom were formerly residents in U.S. hospitals. It was found that most of the physicians who had Immigrant Visas (19 per cent) were from nonquota countries of Europe or Latin America and indirect evidence suggested that about half of them would remain permanently in the United States.

TABLE 1.—*Foreign physicians' postgraduate training in and immigration to the United States*

Country	Graduates per year [1]	Population per physician [1]	Training in United States, 1963			U.S. licensees, 1963	Estimated [2] immigration to United States, 1963
			Total	Interns	Residents		
Africa	[3] 1,193	8,000	177	30	147	(4)	----------
Ghana	0	21,000	5	3	2	0	----------
Nigeria	19	33,000	16	3	13	0	----------
Republic of South Africa	299	2,000	40	5	35	26	----------
United Arab Republic	815	2,300	100	13	87	21	----------
11 other nations	----------	----------	16	6	10	----------	----------
Far East	----------	----------	3,721	1,232	2,489	216	171
Burma	141	11,000	12	1	11	0	----------
Ceylon	101	4,500	1	1	0	2	2
China (Taiwan)	401	1,500	232	63	169	1	[5] 20
Hong Kong	45	3,100	39	13	26	3	2
India	3,119	5,000	700	309	391	14	11
Indonesia	303	48,000	7	1	6	0	----------
Japan	3,200	930	195	21	174	24	18
Korea	600	3,500	207	65	142	26	20
Malaysia	81	----------	7	3	4	0	----------
Nepal	----------	72,000	1	1	0	0	----------
Philippines	1,010	1,700	2,108	692	1,416	141	115
Thailand	225	7,700	206	61	145	5	4
South Vietnam	59	29,000	6	1	5	0	----------
Near and Middle East	----------	----------	1,366	304	1,062	158	110
Afghanistan	34	40,000	7	1	6	0	----------
Cyprus	0	1,500	5	1	4	0	----------
Iran	493	3,800	675	174	501	55	41
Iraq	108	5,600	38	10	28	9	7
Israel	64	400	44	11	33	2	2
Jordan	0	3,600	10	1	9	0	----------
Lebanon	74	1,100	92	8	84	22	11
Pakistan	750	8,700	204	80	124	3	2
Syria	69	4,600	61	7	54	0	----------
Turkey	425	2,800	227	11	216	67	50
3 other countries	----------	----------	3	0	3	----------	----------
Latin America	----------	----------	1,631	386	1,245	[6] 294	[6] 210
Caribbean	----------	----------	534	178	356	0	----------
British West Indies	----------	----------	23	8	15	0	----------
Cuba	335	1,000	343	123	220	200	----------
Dominican Republic	85	----------	105	33	72	28	21
Haiti	41	----------	52	9	43	9	7
Jamaica	25	2,600	5	2	3	0	----------
Netherlands Antilles	0	1,400	1	0	1	0	----------
Trinidad and Tobago	----------	2,400	5	3	2	0	----------
Central America	----------	----------	87	20	67	8	----------
British Honduras	0	4,100	1	0	1	0	----------
Costa Rica	0	2,600	10	7	3	0	----------
El Salvador	29	5,400	9	1	8	1	1
Guatemala	30	4,900	20	3	17	1	1
Latin America—Con.							
Honduras	34	4,800	11	2	9	3	2
Nicaragua	22	2,800	17	3	14	3	2
Panama	20	2,700	17	4	13	0	----------
Country unspecified	----------	----------	2	0	2	0	----------
Mexico	1,011	1,700	256	41	215	98	65
South America	----------	----------	754	147	607	151	113
Argentina	1,770	660	248	62	186	66	50
Bolivia	----------	3,900	14	2	12	6	5
Brazil	1,528	2,300	55	12	43	10	8
British Guiana	0	3,900	12	4	8	0	----------
Chile	280	1,800	14	2	12	10	8
Colombia	442	2,400	235	48	187	21	16
Ecuador	----------	2,600	18	3	15	7	6
Paraguay	97	1,800	8	2	6	2	2
Peru	----------	2,100	120	8	112	26	20
Surinam	----------	1,800	1	0	1	0	----------
Uruguay	91	870	3	0	3	0	----------
Venezuela	258	1,500	26	4	22	3	2
Europe	----------	850	1,118	253	865	887	500
Austria	182	620	22	8	14	30	----------
Belgium	519	820	51	4	47	17	----------
Denmark	241	780	9	5	4	1	----------
Estonia	----------	----------	2	0	2	----------	----------
France	----------	940	21	1	20	24	----------
West Germany	----------	670	162	54	108	[7] 118	[7] 80
Greece	424	800	153	24	129	66	50
Hungary	795	690	24	6	18	28	----------
Iceland	20	750	13	6	7	1	----------
Ireland	271	1,000	58	18	40	57	----------
Italy	3,270	750	130	23	107	139	90
Netherlands	610	900	40	9	31	59	40
Poland	2,856	1,100	43	15	28	20	----------
Portugal	318	1,300	26	7	19	5	----------
Rumania	1,735	790	21	8	13	8	----------
Spain	1,498	1,000	96	20	76	99	50
Sweden	404	1,100	6	2	4	3	----------
Switzerland	393	740	33	11	22	121	----------
United Kingdom	2,649	930	149	18	131	78	[8] 60
Yugoslavia	1,214	1,600	37	7	30	12	----------
U.S.S.R.	26,452	580	8	3	5	1	----------
7 other nations	----------	----------	16	4	12	19	----------
North America: Canada	874	910	713	50	663	174	----------
Oceania	----------	----------	49	5	44	----------	----------
Australia	472	860	36	4	32	11	8
New Zealand	100	700	13	1	12	2	2
Stateless	----------	----------	29	16	13	----------	----------
Total	----------	----------	8,804	2,276	6,528	2,035	[2] 1,200

[1] Estimates of WHO, most of which are based on 1960 figures (11).
[2] Very crude estimates based mainly on new licenses issued but also on other extrapolations as explained in text.
[3] Excluding Algeria.
[4] Insufficient information available.
[5] Most of these are graduates of schools on the mainland of China.
[6] Excluding Cuba.
[7] Includes graduates from both East and West Germany.
[8] Does not include British citizens who are permanent residents of the United States.

TABLE 2.—*Distribution by State of foreign residents and new licensees who are foreign graduates*

State	Number of foreign residents [1]	Percent of residents who are foreign [1]	New licensees in 1963 who are foreign graduates [2]
Alabama	11	6	0
Alaska	0	0	1
Arizona	20	31	0
Arkansas	2	2	0
California	91	3	74
Canal Zone	4	2	0
Colorado	59	14	5
Connecticut	152	29	49
Delaware	19	61	4
District of Columbia	190	25	28
Florida	151	30	20
Georgia	65	14	12
Guam	0	0	2
Hawaii	17	16	7
Idaho	0	0	1
Illinois	535	35	96
Indiana	13	5	5
Iowa	32	11	10
Kansas	52	18	12
Kentucky	62	26	7
Louisiana	8	1	0
Maine	1	5	74
Maryland	332	31	51
Massachusetts	374	27	21
Michigan	371	23	27
Minnesota	164	15	8
Mississippi	4	4	5
Missouri	167	23	19
Montana	0	0	8
Nebraska	7	7	0
Nevada	0	0	0
New Hampshire	5	9	13
New Jersey	289	59	47
New Mexico	12	19	5
New York	2,127	39	215
North Carolina	30	5	2
North Dakota	11	65	1
Ohio	580	35	52
Oklahoma	11	6	0
Oregon	10	4	4
Pennsylvania	478	25	173
Puerto Rico	67	52	93
Rhode Island	42	43	14
South Carolina	10	10	4
South Dakota	0	0	7
Tennessee	50	9	1
Texas	136	13	74
Utah	8	1	0
Vermont	11	19	8
Virginia	110	24	125
Virgin Islands	0	0	0
Washington	32	9	14
West Virginia	58	56	35
Wisconsin	72	16	17
Wyoming	0	0	0
Total	7,052	24	1,451

[1] AMA data (9).

[2] AMA data (10).

Some interns and residents with Permanent Resident Visas return to their own countries or go to other foreign countries, some stay indefinitely in the United States without obtaining citizenship (in a sense they are immigrants), and some seek and obtain U.S. citizenship. Of course, persons with Permanent Resident Visas or with other visas may leave the United States temporarily and return at a later time. This "recirculation" makes it more difficult to evaluate all the implications of counts made at any given time. In estimating the frequency of recirculation of foreign research trainees, the author found that only 10 percent (8 of a sample of 84) had been to the United States previously for educational purposes.

As has been previously indicated, most of the foreign interns and residents have Exchange Visitor or Student Visas. The vast majority of them leave the United States upon completion of their training. A small percentage seek and obtain waivers of their obligation to leave the United States. These waivers may be obtained only under special circumstances. The most frequent cause for granting such a waiver is on the grounds that leaving the United States would constitute a hardship to the foreign trainee's American wife. On the basis of crude data supplied by the State Department, the author has estimated that during the period 1956–1962 an average of only 267 waivers per year were granted to physicians. Most of these persons, but not all, were interns or residents. It is apparent that "leakage" from the exchange visitor program accounts for only a minority of the physician immigrants.

AMA data.—The principal source of information concerning the immigration of foreign physicians is the yearly AMA survey (10) on the graduates of foreign schools who received state licenses (2,035 in 1963 including Canadian graduates). (Much useful information on foreign trainees has been developed by Council on Medical Education under the leadership of its Secretary, Dr. Walter Wiggins, and his colleagues, including the late Mrs. Anne Tipner.) These data must be interpreted in the light of the follow facts: (*a*) Some of the graduates (approximately 400 per year) are U.S. citizens. (*b*) Approximately 25 per cent of those who receive licenses have already been licensed previously in other states and do not represent new additions to the profession. (*c*) There are some physician immigrants and nonimmigrant foreign nationals such as scientists or basic science teachers who do not obtain state licenses. (*d*) Many of the foreign physicians in the United States are long-term or permanent residents although they may never obtain U.S. citizenship.

These people are, in a sense, immigrants also. (*e*) The author's studies suggest that a small percentage of the foreign physicians who obtain U.S. licenses will not obtain U.S. citizenship, but almost all of these new licensees from abroad are *de facto* immigrants. (*f*) Not all of the foreign graduates are natives of the country in which their school is located. For example, many of the graduates of the American University of Beirut are not natives of Lebanon. (*g*) About 1 per cent of graduates of U.S. medical schools are aliens, approximately 90 per year (10). For these reasons the number of new U.S. licenses per year granted to graduates from the schools of a certain country may not perfectly reflect the annual rate of emigration from that country to the United States, but overall these data do give some idea of the rate from each country. Table 1 shows that of the approximately 1,200 foreign physicians per year who immigrate to the United States about half are from developing countries.

Nearly 3,300 persons now enter the United States each year to begin internships or residencies. If present trends persist, about 20 to 25 per cent or very roughly 700 of them may be expected to stay permanently in the United States. The total group of 1,200 physicians who immigrate yearly include not only these 700 but also some foreign physicians who did not serve as interns or residents in the United States. The total group of immigrants also includes noncitizen interns and residents who were never classified or counted as "foreign" because they entered the United States with Immigrant Visas.

The author recently studied information in the files of the AMA on the new licensees in 1962 who were foreign graduates. Data were reviewed on an 11 per cent sample (125) of the approximately 1,100 foreign citizens who represented new additions to the profession. This sample did not include U.S. citizens who were graduates of foreign schools. It was found that 85 per cent of these individuals had had internships or residences in the United States; 58 per cent had had both an internship and a residency in the United States; 22 per cent had had their residences only in the United States; and 7 per cent had had U.S. internships but no residency training here. The length of postgraduate training in the United States ranged from one to eight years and averaged three to four years. About half of the licenses were granted in a state other than in which the postgraduate training was obtained. Since some of the new licensees were still in training, it was not possible to be certain about the nature of their subsequent careers. However, it would appear that roughly 60 per cent of these foreign physicians will practice, about 10 per cent will pursue academic work, and approximately 30 per cent will go into other kinds of work such as institutional or administrative positions.

Immigration rates.—The situation for each country may be appraised by examining the crude estimates of immigration rates in Table 1 and relating these numbers to the annual output of physicians, which is also given in the Table. The estimates were based on the number of new licenses (1963) and some other considerations including some crude data from the State Department on the nationalities of persons with Student or Exchange Visitor Visas who were granted waivers of their obligation to leave the United States. Another consideration in these estimates was an approximation of the number of newly licensed foreign graduates who were natives of the United States. For example, a large percentage of graduates of Swiss schools who obtain U.S. licenses are American citizens so no estimate could be made of the number of Swiss immigrants. For these and other reasons there were certain other countries for which data were not adequate to permit even a rough estimate of the annual rate of immigration.

The estimated immigration rates do not include permanent visitors who retain their foreign citizenship. There are a great many of such *de facto* immigrants from certain countries, especially Canada and the United Kingdom. The United Kingdom is probably

losing about 120 physicians per year to the United States although the number who change citizenship is substantially less than this.

Table 1 shows that while there are many immigrants from Argentina, France, and Germany, the number of physicians leaving these countries for the United States does not represent a substantial percentage of the annual indigenous production of these countries.

On the other hand, the losses of Ireland, Greece, the Dominican Republic, Korea, Lebanon, Peru, Iran, and Turkey are very great in proportion to the capacities of these countries to produce physicians. The losses to the United States of some countries, such as India, Pakistan, Thailand, and Japan, are almost negligible in proportion to their annual rate of production of physicians. However, it should be kept in mind that even when losses are quantitatively unimpressive, they may include some of the country's most talented physicians. The nature of the U.S. immigration laws and policies are such that it is those physicians with extraordinary ability who are most likely to remain in the United States.

In considering the brain drain problem of the less developed countries it should be kept in mind that the losses of manpower to the United States are not the only losses being sustained. In the case of India, for example, immigration to the United States represents only a fraction of the total emigration losses.

Training

Nature of programs.—Systematic country-by-country studies of the nature of the U.S. training programs have not been performed. An appraisal of the research training programs for foreign physicians in the United States revealed little evidence that these experiences were conceived to meet the special needs of the native countries of the trainees (2).

Selection of specialties.—It is encouraging that 25 per cent of the students in American and Canadian schools of public health are from foreign lands, mainly developing countries (14). Yet the percentage of trainees who are foreign in this high priority field (public health) is not especially high, considering the fact that 24 per cent of all U.S. residents are foreign graduates (9).

Table 3, which was constructed from AMA data (9), indicates the number of foreign residents in each medical specialty. About 70 per cent of these are from developing countries and approximately 30 per cent are from more advanced nations. It would be quite useful to know the specialty fields of the residents from each of the countries; but these data are not yet available. However, since such a high percentage of the residents reported on in Table 3 are from developing countries, the data probably do reflect fairly well the career plans of residents from underdeveloped lands.

Another factor which makes it difficult to interpret the information in Table 3 is the lack of data on the number of persons being trained in the various specialties in their native countries or in "third" countries. It may be seen, for example, that the percentage of foreign trainees in thoracic surgery is relatively high (30 per cent), but this could reflect lack of training programs abroad in this specialty and does not necessarily mean that too many foreign residents are being trained in the field.

Yet taken as a whole, the data do not suggest that the selection of specialties is strongly affected by the priority needs of the native countries of these trainees. For example, a very high percentage (38 per cent) of anesthesiology residents are foreign. It seems likely that this is more attributable to the shortage of U.S. manpower in this field than to any special need of developing countries for training anesthesiologists in the United States.

While developing countries have suboptimal numbers of anesthesiologists, general surgeons, neurologic surgeons, and thoracic surgeons, it should be kept in mind that in emerging nations these specialties usually have a priority which is low in relation to others such as public health, infectious diseases, and nutrition. Trainees who enter low priority specialties are necessarily lost to the more urgently needed specialties. Moreover, foreign residents whose training programs are less suited to their career prospects abroad are less likely to return to their native lands. The question arises as to whether we are helping Iraq or Pakistan when we offer training in open heart surgery to 1 of their brightest men.

TABLE 3.—*Foreign*[1] *residents in the United States, by specialty*[2]

Specialty	Number of foreign residents	Total number of residents	Percent who are foreign
Anesthesiology	436	1,145	38
Colon and rectal surgery	8	16	50
Dermatology	44	410	11
General practice	193	370	52
Internal medicine	1,191	5,129	23
Neurological surgery	68	435	16
Neurology	110	503	22
Obstetrics and gynecology	534	2,457	22
Ophthalmology	77	969	8
Orthopedic surgery	156	1,388	11
Otolaryngology	70	621	11
Pathology	670	1,944	34
Pediatrics	598	1,820	33
Pediatric allergy	6	23	26
Pediatric cardiology	12	33	36
Physical medicine	55	181	30
Plastic surgery	20	152	13
Psychiatry	781	3,274	24
Psychiatry, child	57	343	17
Radiology	254	1,490	17
Surgery	1,529	5,656	27
Thoracic surgery	68	224	30
Urology	115	712	16
Total	7,052	[3] 29,295	24

[1] Does not include Canadian graduates but includes 1,225 U.S. citizens who are foreign graduates.
[2] 1963 AMA data (9).
[3] Does not include 190 residents training in institutions other than hospitals.

Differences in the physician role.—Probably the principal problem of post-graduate training of physicians from developing countries relates to the marked differences which frequently obtain in the role of a physician in the 2 cultures. At its best an internship or residency in the United States has much to offer the foreign physician, including superior technologic training and resources and an educational experience conducive to the development of a scholarly, scientific, and critical approach to clinical problems and a keen sense of responsibility to the patient. Yet most of our residences are designed to prepare specialists for service in the United States where cultural, economic, social, and medical conditions differ greatly from those in the native countries of most of the foreign interns and residents. Table 1 shows, for instance, that there are about 8,700 persons for each physician in Pakistan. Thus, on the average, the physician in Pakistan must be prepared to assume responsibility for about 11 times as many people as the physician in the United States. For many years the highest priority of most developing nations will be for the preparation of physicians who can design and supervise health programs not of individuals but of large groups of people. This does not mean that they will be less concerned about the health of individuals but this concern must be expressed mainly through programs emphasizing preventive, diagnostic, and therapeutic measures at the community level.

Moreover, the diseases of greatest importance in developing countries (bacterial, parasitic, and nutritional diseases) may be infrequently seen during residencies here, where markedly different disease patterns exist. The resident in internal medicine in the United States may have to learn from the beginning how to handle malaria, malnutrition, amebiasis, schistosomiasis, and leprosy when he returns to his native land. He may become an expert in the diagnosis and management of coronary disease only to find that this disorder is almost nonexistent in his own country.

Quality of programs.—The quality of the training of the foreign interns and residents in the United States has not been systematically evaluated. It is evident, however, that they are being educated in both our strongest and weakest academic programs.

As of September, 1963 there were 2,910 (9) foreign graduates serving in hospitals affiliated with medical schools (17 per cent of all residents in these hospitals). At the same time there were 4,142 (9) in nonaffiliated hospitals (34 per cent of all residents in these hospitals). There are, of course, many good training programs in nonaffiliated hospitals, but this information does suggest that in general the quality of postgraduate training of foreign graduates is not as good as that of domestic graduates. These data also probably reflect the poorer competitive position of the foreign graduates as a group and the nonaffiliated hospitals as a group. Of course, it is possible that this distribution is influenced to some extent by the limited information on teaching programs of U.S. hospitals which has been available to foreign candidates. Lastly, the high salaries paid by some nonaffiliated hospitals may make it possible for some candidates to finance round trip travel as well as maintenance, whereas these same candidates might not find it possible to support a trip to the United States with the lower salaries offered by affiliated hospitals. These financial considerations are particularly important when foreign candidates have families to support.

In a recent survey conducted by the ECFMG,* foreign residents were asked, "How valuable do you feel your residency . . . has been in terms of your ultimate goals in medicine?" The alternative answers were, "very valuable," "moderately valuable," "somewhat valuable," or "of little value." Of 191 who responded, 144 or 70 per cent indicated that their residency had been "very valuable" and 17 per cent stated that the experience was "moderately valuable." Only 1 per cent described their U.S. residency as "of little value" and only 12 per cent indicated it was "somewhat valuable." The results of individual responses were confidential and the survey was conducted in a manner calculated to encourage candid replies. Therefore, it would appear that, in general, these residents are obtaining what they seek. These responses also suggest that the quality of the training being provided is generally good, at least by the standards of the trainees. It would be interesting to determine the response of these or other trainees to this question after they have worked for a few years in their own countries.

Effects

Studies of the impact of the participation of foreign trainees in our internships and residency programs have been quite limited. In the discussion immediately below, the writer records mainly his own subjective impression based on the information presented in this paper and discussions during the past four years with a great many present, former, and prospective interns and residents; with teachers, government health and immigation officials, and officials of foundations in the

* Personal communication from G. Halsey Hunt, Director of the Educational Council for Foreign Medical Graduates, 1965.

United States; and with officials and medical educators in more than 30 countries of Asia, Africa, Latin America, and the Middle East.

Advantages—The American training of these young physicians from less advanced countries has both good and bad aspects, with the advantages to the developing countries usually outweighing the disadvantages. For many nations this is a source of highly skilled manpower which could not be produced indigenously, and, what is more important, the seed of a self-perpetuating program for training residents in the developing country itself. During their visits to the United States, many of these trainees see medical care at its best with respect to its technical, scientific, humanitarian, social, and economic aspects. Indeed, for the foreign trainee in the best American environment the most important aspect of the educational experience may not be the technical acumen he acquires but rather these new attitudes and perspectives, these glimpses of the optimum and the possible. Americans are justifiably concerned about their defects, for example, the presence in some quarters of racial prejudice and its manifestations. Yet, many of us tend to underestimate the extent to which the special assets of our society are likely to impress the foreign visitor. The foreign physician will perceive, for instance, that our systems of medical care, medical education, and medical research, while imperfect, have much to recommend them. He sees the optimism, ambition, and productivity of a free society where mothers "march on polio" with Enders, Sabin, and Salk to win a battle for the mothers and children of all countries.

Many foreign interns and residents go on to take advanced academic training. A recent study indicated that there were approximately 4,000 foreign biomedical research trainees in the United States in 1963 (2). The duration of this research training averages about three years; so approximately 1,300 now enter research training programs each year, and roughly 1,100 return to their own countries each year. Approximately half of these foreign research trainees are physicians and roughly about 60 per cent of the research trainees who are physicians are from developing countries. Therefore, about 330 foreign physicians are returning each year to developing lands after advanced academic training in the United States. The majority of these physicians are from the pool of foreign residents and interns already present in the United States. In very recent years roughly 15 per cent of the foreign physicians who have had residency training in the United States have later taken research training in this country.

A recent study by the author, based on the data of the Division of Research Grants and the Office of International Research of NIH, showed that 76 per cent of NIH-supported trainees who had returned to their countries were engaged to some extent in teaching. Data relating to 110 of these American-trained natives of developing nations are summarized in Table 4. Teaching was the principal activity of only 13 per cent of the group; but it should be kept in mind that only a very small number of the teachers in these medical schools are engaged full-time because of the very limited capacities of these nations to support such positions. It is impressive and encouraging that so many of these persons do some teaching. The Table shows that those who teach devote an average of 25 per cent of their time to teaching. In addition, these former trainees were devoting an average of about one-third of their time to research. It is clear from these data and those presented in the earlier publication on the research training in America of foreign nationals (2) that the United States can play an important role in the development of academic institutions abroad.

TABLE 4.—*Teaching activities in countries of foreign trainees from developing nations after NIH-supported traineeships in the United States* [1]

Country	Number of trainees	Percent who spend some time in teaching	Percent of those teaching whose major activity is teaching	Average percent of time devoted to teaching by trainees who teach	Average percent of time devoted to teaching
Argentina	14	64.3	0	19.4	12.5
Brazil	6	83.3	0	28.0	23.3
Colombia	8	87.5	42.9	38.7	33.9
Greece	8	50.0	0	16.2	8.1
India	9	88.9	12.5	16.8	14.9
Iran	6	83.3	20.0	27.0	22.5
Lebanon	9	88.9	0	30.0	26.7
Mexico	12	75.0	0	16.4	12.3
Peru	4	75.0	66.7	40.0	30.0
Philippines	12	75.0	22.2	27.8	20.8
Thailand	4	50.0	0	17.5	8.8
Turkey	6	83.3	0	17.0	14.2
Venezuela	4	75.0	0	23.0	18.1
Other	8	88.0	25.0	37.9	33.2
Total	110	76.4	13.1	25.1	19.2

[1] Replies to 1962 questionnaires received 2 to 7 years (average 3 years) after completion of U.S. training.

Disadvantages.—These advantages for the native countries of the foreign trainees must be weighed against several disadvantages. Prior to the establishment of the ECFMG there were 4 major difficulties associated with the large-scale training of foreign physicians. One of these related to the fact that many of the trainees were not adequately prepared for an internship or residency in the United States. Fortunately, the ECFMG certification system has largely solved this problem with benefit to the hospitals, the foreign trainees, their countries, and the United States.

A second problem relates to the fact that some hospitals recruit interns or residents mainly to provide manpower for service. In these hospitals there may be inadequate concern for the educational needs of the trainee and a limited capacity for providing a first-rate training experience. This problem has been mitigated but not eliminated by the accreditation requirements of the AMA Council on Medical Education which limit approval of educational programs to hospitals that demonstrate a reasonable capacity for providing acceptable training.

The third and perhaps the major problem insofar as the developing nations are concerned has been discussed above, namely the frequency with which the training in the United States lacks relevance to the optimum future role of the foreign physician in his own country.

The fourth problem, also previously discussed, is the immigration of many of these trainees to the United States.

Lastly, and this is a minor disadvantage, valuable manpower is lost to the native country of the trainee during the training period.

RECOMMENDATIONS

Attempts to improve the effectiveness of U.S. training programs must necessarily take into account the variety and complexity of considerations involved. The situation varies markedly from country to country because of differences among these nations in their geographical, medical, and cultural relationships with the United States. Also there are many differences in the availability of local training facilities as well as differences in immigration quotas, disease patterns, national priorities, and so forth. Moreover, in considering possible changes in policy relating to these foreign trainees, one must take into account a variety of interests including those of the trainee, his country, the host institution, the preceptor, and those of the United States. These interests have much in common, for example, all are served by improving the quality of the training. On the other hand, they are at times antithetical. By liberalizing its immigration laws or its licensing policies, the United States could gain physicians at the expense of foreign countries. A policy change which reduced the number of foreign trainees in an unselective manner would have a deleterious effect on the health programs of some countries, but it would probably help other nations by reducing the brain drain.

One of the goals of policy development in connection with this massive migration of foreign trainees should be to promote better planning without substantially impairing the present flexibility and freedom with which the training programs operate. While the problems and opportunities relating to these foreign trainees are of concern to the United States, the parties primarily affected are the trainees and their own countries. Therefore policy changes relating to these matters should be undertaken in consultation with appropriate representatives of the foreign nations concerned.

ECFMG programs

The present ECFMG programs should be encouraged and expanded. The ECFMG, its sponsoring agencies, and other organizations with mutual objectives should design and perform further studies of the nature, effects, and potential effects of these training programs. The current studies of ECFMG are yielding very useful information on the career plans of foreign trainees, their reasons for coming to the United States, and their impressions concerning their training experiences. These investigations should be extended to include a study of the motivations of the foreign trainees, an examination of their subsequent careers, and country-by-country examinations of these migrations in the light of the high priority needs of these countries. In 1 specialty the subsequent careers abroad of American-trained foreign personnel have been studied (15).

Another activity of the ECFMG which should be encouraged and extended is its attempt to provide better information to foreign candidates concerning postgraduate medical education in the United States. Its recent survey indicated that foreign residents and interns in the United States did not in general have adequate advance information of this kind; these foreign physicians gave a very high priority to the need for a booklet for prospective trainees containing such information. (The ECFMG has recently published such a booklet (16).

Communication

By a variety of means, including an international conference on the subject, leaders of American and foreign medical education should be informed more fully of the opportunities and problems relating to the U.S. training of large numbers of foreign physicians. Such a working conference could initiate the development of more effective practices and policies relating to these foreign trainees. Health planners in developing nations should be provided with the information presently available and encouraged to analyze its implications. There are several countries, for example, whose losses of physicians through immigration to the United States are a major threat to their future development. In this connection it can be shown that under certain conditions the large-scale training of physicians from a developing country does not necessarily result in the loss of these physicians to the United States. Moreover, the character of the U.S. training need not be inappropriate to the health programs of a developing country.

Since consideration is being given by Congress to liberalizing certain immigration laws, both Congress and the Executive Branch should be made more fully aware of the implications of such changes with respect to the foreign interns and residents and their native countries. A concern for the need of the United States for health manpower should be balanced by an awareness of and consideration for the more acute manpower problems of the developing nations.

Manpower study

Since 18 per cent of new additions to the profession are now foreign graduates (10), it will also be necessary to appraise future U.S. manpower needs in the light of this fact and with consideration for future projections relating to foreign trainees and the rate at which they immigrate.

Development of standards

Because hospitals with relatively weak academic programs will probably continue to seek foreign trainees aggressively to satisfy their needs for manpower, specific measures should be taken to assure that the interests of these trainees and their countries are protected. The AMA Council on Medical Education should be encouraged to continue to remind all hospitals of the special obligations which attend the acceptance of foreign interns and residents. Up to now the Council's efforts have been mainly exhortative. It would be rather difficult to institute and implement country-wide systems of evaluation and control, and the formulation of criteria would pose many problems. Nevertheless, the importance of this matter requires that specific standards be developed and implemented even though this will constitute a challenging administrative problem. Educational programs which are not strong enough academically to attract domestic trainees regularly are not likely to be appropriate for the training of foreign interns or residents.

OPPORTUNITIES FOR U.S. MEDICAL SCHOOLS

The present postgraduate training programs for foreign residents in U.S. academic centers are exerting some very favorable effects on foreign medical education. But this contribution could be greatly enhanced through more effective planning and actions by the U.S. medical schools. We could actively recruit foreign trainees in those programs which provide an educational experience of particular relevance to the needs of the trainee's native country. We could create more programs, such as traineeships in infectious diseases, for which the foreign physician would provide valuable highly trained manpower while acquiring the kind of competence that is most needed in his own country; for example, residency training in internal medicine for the foreign trainee might include a year or two in the regular departmental program plus six to twenty-four months in nutrition or public health, epidemiology, or parasitology, or a combination of these.

International liaison officers have recently been appointed in each American school by the Association of American Medical Colleges to link its International Division with all schools. This structure could be a very effective instrument in mobilizing the resources of American schools to further the development of medical education internationally. Through these liaison officers the schools could be encouraged to do follow-up studies n their own foreign trainees as a basis for improving their programs. In many schools it would be desirable to form an international advisory committee composed of individuals with special knowledge of medical conditions abroad to identify opportunities which are particularly appropriate for the training of persons from developing countries. This committee might be chaired by the school's international liaison officer. Perhaps through such an advisory committee the schools could more effectively appraise and advise trainees and applicants. The Committee could also advise preceptors, potential preceptors, trainees, and potential trainees about immigration laws and policies.

The American schools should systematically develop means for enriching the training of selected foreign trainees by providing an educational experience in the broad aspects of medical education. We need to help these emerging countries produce medical specialists but it is even more important that we assist them in developing teachers, administrators, innovators, institution builders, and leaders.

U.S. schools should also provide specific opportunities for their faculties and domestic trainees to learn from the foreign trainees more about their native countries—the disease patterns, systems of medical education and service, culture, attitudes, and problems. It would be desirable for some schools to direct their efforts toward training physicians from a specific geographic region. This focus of interest and effort would often promote better liaison and cooperation between the foreign and domestic preceptors of the foreign trainees. It would also make it possible for the American institution to have more continuity of experience and more opportunities for continuing relationships between preceptors and trainees, and it would lead to the development of better understanding by the American school of the foreign society and its special needs and potentialities. School-to-school and department-to-department relationships should also be encouraged. Collaborative international research activities conducted abroad with foreign colleagues often provide Americans with special opportunities to advance high priority objectives of our domestic science program while assisting in the development of medical science and medical education abroad (17).

The Agency for International Development should not be expected to finance in every American medical school programs designed to improve the effectiveness of the training of physicians from developing countries. On the other hand a program of small grants could be very effective in stimulating selected American schools to conduct systematically an appraisal of the effectiveness of their present training activities for foreign physicians. Such grants could help to establish permanent mechanisms for improving the selection and training of foreign interns, residents, and research trainees with the understanding that these programs would not necessarily require the continuing financial support of AID. Successful programs would no doubt be emulated by other schools. Such a national program could at a modest cost bring the vast American medical education system to bear much more effectively on the development of medicine in foreign countries. This program could be coordinated through the AAMC's Division of International Medical Education in cooperation with the ECFMG.

SUMMARY

There are about 13,000 foreign physicians receiving postgraduate medical training in the United States. This is the largest international migration for postgraduate education in history—in any field. Data are presented for most countries comparing the number of trainees in the United States with the annual rates of production of new physicians and the number of physicians per capita. About three-fourths of these foreign trainees are from developing countries. A substantial percentage of the recent graduates from many countries such as Greece, Iran, Korea, Taiwan, the Philippines, Lebanon, and Turkey now come to the United States for postgraduate training.

Some countries such as Korea, Iran, Greece, and Peru are losing substantial portions of their very limited medical manpower through migration to the United States. Many other countries are sustaining significant losses. The immigration of foreign graduates now accounts for a substantial percentage (18 percent) of the annual additions to the U.S. medical profession. We would have to build and operate about 12 medical schools to produce the manpower being derived through immigration (approximately 1,200 per year). The dollar value per year of this "foreign aid" to the United States approximately equals the total cost of all of our medical aid, private and public, to foreign nations.

In U.S. hospitals affiliated with medical schools 17 percent of the residents are foreign while 34 percent of residents in nonaffiliated hospitals are foreign. The certifying examination recently introduced by the ECFMG has solved or mitigated some of the important problems associated with this vast migration of foreign interns and residents. Some important difficulties remain. One is the brain drain discussed above. Yet, there is evidence that through improvements in planning, the brain drain can be mitigated without eliminating opportunities for postgraduate training in the United States.

The most difficult problem relating to the training of foreign physicians from developing countries is the frequency with which the U.S. training programs lack relevance to the trainee's future responsibilities in his own country. Even those programs of very high scientific quality are often inappropriate in character. This matter is discussed in some detail and some suggestions are made for improving the relevance of these training experiences to the future responsibilities of physicians from developing countries. Further studies are needed to provide a basis for improving the value of these training activities. We need to know more about the career prospects and potentialities of these foreign trainees; and an extensive appraisal of their movements, specialties, plans, motivations, attitudes, aspirations, and subsequent careers would be desirable.

A more thorough country-by-country analysis of other factors which affect the quantity and character of this migration is also warranted, including immigration laws and policies, methods of recruitment and appointments, and factors which determine success or failure in the U.S. training programs. Because hospitals with relatively weak academic programs will probably continue to recruit foreign trainees aggressively to satisfy their needs for skilled manpower, more specific measures should be taken to assure that the interests of the foreign trainees and their countries are protected.

Although large numbers of foreign physicians are being trained in the United States, this number is almost insignificant when compared to the huge world-wide deficit of physicians.

This suggests a need to concentrate on training and educating teachers and teachers of teachers. The large-scale participation of foreign physicians in our postgraduate training programs has created many difficulties but this phenomenon should be perceived not so much as a problem to be eliminated but rather as an extraordinary opportunity to be exploited. Evidence is presented suggesting that many of these former, present, and future trainees from abroad have, will, and could assume roles of leadership in solving the massive problems of endemic disease in their own emerging countries. The United States can favorably influence medical care and medical education abroad by a variety of means; but these foreign trainees represent our major opportunity, one unique in history, to lead a successful global effort to control disease.

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THE BRAIN DRAIN IN MEDICINE [1]

(By G. Halsey Hunt, M.D.[2])

Barring world catastrophe the foreign medical graduate will be a major fact of American hospital and medical life for many years to come. The operation of the Educational Council for Foreign Medical Graduates examination program, beginning in 1958, has introduced some measure of order into what was previously an almost completely chaotic situation. There has been very little planning however, for the proper training of these young physicians from other countries in relation to their own needs and the medical needs of their home countries; nor has there been any real supervision of the kind and amount of service required of the foreign interns and residents in exchange for their training.

In many respects the present situation is unsatisfactory. Any plans for improvement should include short-range plans which could be put into effect quickly, possibly even by action of individual hospitals, and long-range plans which may well require cooperative action by many hospitals, by the American Hospital Association and the state hospital associations, by the American Medical Association, by the medical schools, and by the general public.

Major improvements will, without any question, require additional expenditures. One of the problems in the present situation is that many graduates of foreign medical schools are quite openly used to provide medical services to United States hospitals, in the guise of approved training programs, at salaries considerably lower than licensed American physicians would demand for the same services. One minor ray of hope in the whole situation, incidentally, is that hospitals are bidding up the salaries of the foreign "interns and residents" who are rather frankly being used to provide hospital services, and it may be that within the next few years the salary level will be such that hospitals could attract licensed physicians, part-time or possibly full-time.

HISTORY

Since Colonial times, there has been a substantial influx of foreign physicians into the United States and during the 19th and early 20th Centuries appreciable numbers of American citizens went abroad for their medical training. Both of these factors were important in the founding and development of many individual hospitals in the United States, but for many years have not been of major significance in the organization and operation of American hospitals taken as a whole. Immediately after World War II, however, a number of circumstances developed which produced a population explosion of a special kind—the presence of large numbers of graduates of foreign medical schools in the United States hospitals.

The Joint Commission on Accreditation of Hospitals, in its unexceptionable efforts to improve the quality of hospital care in the United States, introduced and enforced regulations providing that the hospital records of all patients must include a proper history, a proper physical examination, adequate progress notes, and a summary note at the time of discharge. Hospitals wishing to achieve (or retain) accreditation were forced to make provision for these activities. Unfortunately, the taking of the complete history, the performance of a complete physical examination, the writing of the summary discharge note, and in many cases the writing of progress notes, are considered in some circles to be beneath the dignity of a fully-trained physician, and to be "intern work." There was consequently a rush to establish internships in every hospital that could possibly meet the minimum requirements laid down by the Council on Medical Education of the American Medical Association. The internships were established and then came the second rush, to fill them.

Under the United States Information and Educational Exchange Act of 1948 physicians were included in the Educational and Cultural Exchange Program, which was set up to regularize the admission of foreign students to the United States and to oversee the educational opportunities available to them. In 1961 the program was modified by the Fulbright-Hays Act, Public Law 87-256, the Mutual Educational and Cultural Exchange Act of 1961.

A third factor was that many other countries were suffering deeply from economic dislocations brought on by the war and graduates of their medical schools found the United States, economically almost undamaged by the war, a most attractive haven with opportunity for clinical training at a comparatively huge stipend, and possibly for immigration and permanent residence.

For a few years the result was chaos. Each hospital seeking interns was the only judge of the qualifications of the applicants from other countries. Few hospitals had adequate knowledge of the complexities of the medical curricula in various countries, and even fewer were in a position to make proper judgments of the credentials submitted by their applicants. An ad-hoc Cooperating Committee on Graduates of Foreign Medical Schools was established in 1954 to study the situation and make recommendations.

The Committee was made up of representatives of the American Hospital Association, the American Medical Association, the Association of American Medical Colleges, and the Federation of State Medical Boards of the United States. After several meetings and prolonged deliberation, the Committee recommended that an organization be established to pass upon the medical credentials of graduates of foreign medical schools who wished to come to the United States for internship and residency training, and to conduct an examination which each such individual would have to pass.

As a result of this recommendation the four organizations established the Educational Council for Foreign Medical Graduates in 1956, as a separate nonprofit corporation governed by a Board of Trustees made up of representatives of each of the Member Organizations and of the general public. The ECFMG was incorporated in 1956, opened its office on October 1, 1957, and gave the first examination in March 1958. Examinations have been given semiannually since that time, from March 1958 to September 1965. The 17th examination will be given on February 9, 1966.

PRESENT STATUS OF FOREIGN MEDICAL GRADUATES

We are frequently asked: How many foreign physicians come to the United States each year? How many of them go home after completing their training?

Unfortunately there are no good answers to these questions, nor to a number of others of similar importance. We have to approach the question indirectly, on the basis of a few figures that are more or less definite.

The ECFMG has, of course, an accurate count of the number of candidates who take the examination each year, and the number of those who pass. Over the past three or four years, about 5,000 new candidates have applied to take each examination, or about 10,000 a year. At each examination, about

[1] Presented at the Annual General Session, The Federation of State Medical Boards of the United States. Chicago, February 8, 1966.

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half the candidates are made up of new applicants and about half are applicants for re-examination who have failed the exmination in the past. We give, therefore, about 18,000 examinations a year, with 30 per cent to 40 per cent of the candidates who take any specific examination passing it. Thus about 7,000 candidates pass the examination each year. About 2,000 of these are already in the United States, either not working in approved hospitals or working under a Temporary ECFMG Certificate (the last Temporary Certificates will expire on June 30, 1966). The remaining 5,000 or so candidates who have passed the examination in other countries represent an available pool for possible emigration to the United States. Possibly three or four hundred of this group represent United States citizens who have gone abroad to medical school.

The next solid figures that we can get come from the annual AMA census of approved training programs. The census as of September 1964, reported in the AMA Directory of Approved Internships and Residencies, 1965 (page 20), showed that 27 per cent of the interns and residents in the United States hospitals at that time were graduates of foreign medical schools (10,974 out of 41,102).

In a questionnaire survey of foreign-trained interns and residents conducted by the ECFMG in 1962, we found that 59.4 percent of those who were classified as interns in the AMA census of approved training programs had been in the United States less than 12 months. Of the remainder, some were United States citizens who were presumably within the first year of internship training, and others were foreign citizens who still had internship appointments, even though they had been in the United States more than a year. These figures must be applied cautiously, but it seems reasonable to assume that of the 2,821 foreign graduates reported as interns in 1964, about 300 are United States citizens and possibly a thousand are foreign nationals who had already had more than 1 year of internship in the United States, but who are still classified as interns.

The only other solid figures are those reported by the several State Boards of Medical Examiners to the American Medical Association annually, showing the number of graduates of foreign schools who have been licensed for the first time in the United States. This figure, which represents a net addition to the medical practitioner pool in the United States, is reported each year in the State Board Number of the JAMA. In the 5 years 1960 to 1964, the number of newly-licensed foreign graduates has ranged from 1,580 in 1961 to 1,306 in 1964, and has averaged 1,423 each year.

REACTION OF FOREIGN COUNTRIES

It is a depressing and humbling experience for an American doctor to visit a medical school in one of the under-industrialized countries of Asia, to have his host open the conversation with a bland statement that "You people in the United States, and your hospitals, couldn't get along without our doctors," and to realize that at the present time this is indeed a fact. If the 11,000 foreign graduates who are now occupying internships and residences in United States hospitals were to be suddenly withdrawn, many United States hospitals would be forced to curtail sharply their services to patients. I submit that for the long run this is a completely untenable situation. By almost any standard of measurement, the United States is the richest country in the world. American standards of medical education and medical research and hospital practice are among the highest in the world. It ill becomes us to depend permanently on other countries for the production of medical manpower to provide services to American patients.

After their opening remarks about our needs for their doctors, foreign medical educators are likely to have some sharp comments about what we are doing to the other countries and their doctors. We are told that we are enticing substantial numbers of their doctors to come to the United States, many of whom never return (or at least do not return permanently) to their home countries, and that in any case we are not giving them the kind of training that fits them to come back to practice in their own countries.

Along with the complaints of the brain drain, however, our critics sometimes point out that we are draining the wrong people, and that our unorganized and hit-or-miss method of recruiting foreign graduates to come to United States hospitals for training sometimes attracts the poorer and less stable students. This may minimize the effect of the brain drain, to be sure, but some of the people with whom I have talked believe that it gives the United States a false impression of the caliber of medical graduates in other countries and the quality of the medical education they have had.

GOALS FOR THE TRAINING OF FOREIGN MEDICAL GRADUATES

Looking far into the future, one hopes that American hospitals will eventually develop better ways of meeting their service needs than to depend on foreign medical graduates. At that time the United States can assume its rightful role in the training of foreign physicians, which I believe should have the specific design of training them to return home and to raise the standards of medical practice in their home countries, both by active participation in medical education and by exemplifying higher standards of personal medical practice.

Achievement of this goal will require a number of rather fundamental changes from our present ways of doing things. First, the selection of foreign physicians to come to this country for training should be related to the ability of the individuals and to their potential contribution to medical education and medical practice after they return home. Second, there should be a mechanism for assuring that the foreign physicians who are selected to come to the United States for training are placed in the training programs which will best meet their needs. Third, and possibly most important of all, clinical training programs in United States hospitals should be tailored to meet the needs of individuals who have come from other parts of the world, with considerable variation in their educational backgrounds, and with a great deal of variation in the medical needs of their home countries. There is really not much point in training physicians to do open heart surgery or complicated brain surgery if they are going back to a country which is still struggling with problems of over-population, acute infectious diseases, malnutrition and general lack of sanitation, unless the country itself desires and arranges for such highly specialized training.

Even before these ultimate goals are reached, there are a number of fields in which American hospitals, and others concerned with the training of foreign medical graduates, should be doing better for our foreign visitors. Some hospitals have done well in providing social and cultural opportunities for the foreign medical graduates on their staffs, but it appears that much more can and should be done. Here is a field in which hospitals should stimulate activities by, and utilize the services of, such organizations as the hospital auxiliary and the various community organizations which are already in existence for the benefit of visitors from other countries.

THE FUTURE OF HOSPITAL SERVICES

It has become an article of faith in American medical and hospital circles that the best hospital practice is carried out in hospitals that have approved internship and residency training programs. Partly out of a desire to have the best possible hospital service, partly out of a desire to have interns and residents who can carry out some of the more routine activities of hospital and medical care, partly for reasons of prestige, and partly to meet the requirements of the Joint Commission on Accreditation of Hospitals with the least expenditure of time, money and effort, most voluntary hospitals which think they can meet the requirements of the AMA Council on Medical Education seek to establish at least an internship, and preferably one or more residency programs.

I think it can be demonstrated by some rather simple arithmetic that only a fraction of the general hospital patients in any country, the United States or any other, can be involved in what we consider a first-class internship. If we look upon the internship as a primarily educational experience, with service to patients an important but incidental matter, and if one accepts the standard that there should be no more than about 25 beds per intern in a proper program, it becomes rather obvious that a substantial proportion of general hospital beds cannot be utilized in first-class internship training, as long as the internship is limited to the first year after medical school. As things stand at present, only a fraction of all approved internship programs in the United States have the ideal ratio of interns to patients. In some of the others, the interns (largely the foreign interns) are being used as hired hands to carry out the work of the hospital, with, we hope, some educational byproduct.

In my opinion, the only self-respecting position for American medicine and American hospitals to take in the long run is that the service needs of American patients should be met by American physicians. Such a state of affairs obviously cannot be achieved overnight, but I think it is the goal toward which we should work.

Some of the implications for American medical and hospital practice are rather obvious. If a large proportion of the "service work" in American hospitals is not to be done by interns in good training programs, or by foreign graduates who are acting as hired hands under the guise of internships, some other mechanism must be worked out to provide these services. There may be some alternative, but at the moment I can really think of no solution except the employment of licensed American physicians on a part-time or even in some cases on a full-time basis.

This will require some readjustment of thinking and will cost the hospitals, that is, the American public, more than they are now spending for these services, though we hope they will get more for their money. As I said earlier, if stories of some of the salaries that are now being paid to foreign-trained "interns" are anywhere near accurate, the financial part of the problem may be gradually solving itself. In some places, the salaries are already such that they might well attract young American physicians, at least for part-time work.

It is unlikely, however, that the problem will solve itself on a nationwide basis, and quietly go away. I suggest that American physicians and American hospitals and American medical educators and medical schools have a pressing present responsibility to develop ways and means of educating (and then properly utilizing) enough American doctors to meet the needs of the American people. We will then be in a position to select each year a substantial number of foreign physicians and train them properly, to establish a proper program of true international medical exchange.

EXHIBIT 2

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PUBLIC HEALTH MICROBIOLOGICAL NEEDS IN UNDERDEVELOPED NATIONS

(By Carl Lamanna, Ph. D.)

(NOTE.—The role of public health microbiology in developing countries is explored realistically and practically. The relationship of microbiology to resources, capital, education, and practical needs is examined in terms of what can be done in such countries and how economically developed countries can assist. Specific attention is given to the potential contributions of military medicine and civic action programs.

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This article is a condensation of a paper presented before the American Society for Microbiology Symposium, Washington, D.C., May 5, 1964.

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Bacteriological knowledge pointed the way toward the community control of infectious diseases, and historically was one of the major stimuli for the birth and growth of modern public health services. While bacteriology and satellite microbiological sciences have remained at the core of public health activities, we have witnessed in the recent past a decrease in relative emphasis of microbiology and an increase in technological sophistication in microbiological public health laboratory practice. This development has coincided with the technological revolution, with the increasing industrialization of society, and with the expanding horizons and ambitions of the public health profession.

Unfortunately, while the horizons and ambitions of professional workers, including microbiologists, have grown on a world-wide basis, the technological revolution and industrialization have not spread at equal pace throughout the nations of the world. This is why we must identify the true needs for public health microbiology in underdeveloped areas, if we are to avoid wasted effort at grafting the current microbiological experience and professional attitudes of developed Western nations onto an incompatible economic and social environment that will reject it.

An underdeveloped nation is one where the economy is primarily agrarian, where limitations of transportation and communication facilities act as primary obstacles to economic development, and where infectious diseases and parasitism remain the chief immediate causes of morbidity and mortality. In Rostow's [1] classification of stages of economic development these characteristics apply to stages one and two, the traditional society, and the development of preconditions for self-sustained economic growth. I emphasize *immediate cause* in mentioning the relation of infectious disease to morbidity and mortality, since in underdeveloped nations inadequate nutrition is a characteristic of the low-living standards and may be the ultimate cause for a degree of susceptibility to particular infectious and parasitic diseases unknown in well-fed nations.

PURPOSE

The chief purpose of public health microbiological activities in underdeveloped nations is to contribute to the general effort to raise standards of living.

Good health is an essential element for economic productivity. Its absence detracts from economic progress by the diversion of resources to the care of the sick, reduction in the will for productive labor, and the shortening of the span of productive life. When coupled with expanding employment and capital investment, good health by increasing productivity increases resources available for insuring good health and the care of the sick. It frees people from the burden of labor for mere survival and satisfaction of basic needs. It provides for the expansion of opportunities for the enjoyment of the amenities of life. Focus of public health microbiology on economic ends makes means available for the satisfaction of moral, humanistic, and intellectual needs.

If assistance programs in microbiology are to succeed in this aim, their impact on the local scene must be permanent. What is done should not disappear with the removal of the outside expert or consultant.

How can one judge the value of programs in achieving the above aim? The fundamental test is that the program be "capital cheap." Economists use the term capital cheap to signify any activity which makes practical use of resources at hand and which in sum does not consume capital but rather contributes to the accumulation of capital.[2] Of themselves, public health microbiological activities are consumers of capital, but they can be capital cheap if they release productive forces leading to net accumulation of capital. If a program is capital cheap, its useful efforts are permanent when the accumulated capital is directed to socially useful ends. Such utilization of capital is always a social and often a political decision and the microbiologist contributes to this decision as a citizen, not as a microbiologist. Since by definition capital cheap activities will develop and utilize local skills, such activities assure that the role of the outside consultant can be temporary. What follows is a discussion of specific public health microbiological activities in underdeveloped nations in the light of the stated role.

ACTIVITIES

Case finding

Microbiology laboratories provide diagnostic services for case finding by public health organizations. This activitity presents a dilemma. Our humanitarian instinct is to give immediate attention to the identification and specific treatment of sick persons. Unlike the situation for the United States, if these diagnostic and treatment services are not provided by a public health agency, they are not likely to be provided at all in an underdeveloped nation, particularly in areas removed from urban centers. The difficulty is that such activity in underdeveloped nations makes major demands on capital resources more productively employable on other activities; for example, insuring a safe water supply for a village. Consequently, microbiological support of treatment of patients should be austere. Experience shows diagnostic laboratories are not capital cheap enterprises. Most laboratory supplies are not locally available in underdeveloped nations and must be imported. Underdeveloped nations are notoriously limited in the amount of funds generated for expenditure on importation of commodities. While assistance grants can be used to take care of the deficiency, this crutch can lead to chronic dependency which it not a practical long-term solution. It also removes an incentive to local invention in the adaptation of potential resources at hand.

Case finding can be employed to assist in the treatment of the individual patient or to survey the state of health of a community. It is the latter—the epidemiological survey of an area—which is the higher priority purpose, since it is useful to generate data needed for evaluation of the relative impact of various diseases on the economy. It is a sad fact when, in economic studies of underdeveloped nations, microbiologists or other health workers are not routinely employed as integral members of the study team. Microbiologists, too, commit this sin of omission when they do not seek expert advice on the economic consequences of their actions. It is self-defeating to improve the health of a community if, at the same time, provision is not made for the useful employment of the increased human energy that will become available.

A secondary practical objective of case finding is as a follow-up to judge and guide community health programs. A recent example of the serious consequences of failure to coordinate economic planning with epidemiological investigations has been provided by an incident in Bolivia. Without a prior survey of the possible existence of vector-borne endemic disease, populations from soil-eroded isolated areas of the altiplano were induced to move to low-altitude fertile valleys. The lands chosen for colonization proved to be foci for a poorly understood virulent kind of hemorrhagic fever. Understandably the high rate of morbidity and mortality among the first settlers reduced enthusiasm for the colonization scheme, increased the cost of settlement, and seriously placed in jeopardy an effort to increase the standards of living of an impoverished peasant community.

Community campaigns in preventive medicine

Campaigns in preventive medicine that are not capital cheap should not be encouraged. Yet, there are campaigns not capital cheap for an underdeveloped nation that are extraordinarily significant for the world at large. These campaigns should be undertaken with resources made available by developed nations. It is to the advantage of developed countries to eliminate foci or reservoirs of disease which have the potential for spread beyond the boundaries of underdeveloped nations. Examples are cholera, smallpox, malaria, and yellow fever. Such assistance is particularly justifiable when the expenditure is nonrecurring, as in the case of vaccines conferring long-term if not life-time protection or projects which can be maintained with local resources after foreign assistance provides the initial capital investment, as in the case of certain engineering works.

Successful community measures to prevent disease rest in substantial part on knowledge of the microbiological sciences and immunology. Microbiologists are important in generating such information and in providing tools for the practical field application of knowledge. Nonetheless, it is not always important for microbiologists to participate in field application if the aim is to keep efforts capital cheap. Thus, it is desirable in underdeveloped nations to undertake community programs of immunization against smallpox, diphtheria, tetanus, and whooping cough. Microbiologists generate information for the development and rational use of vaccines against these diseases and for their manufacture. But paramedical personnel other than skilled microbiologists can be effectively employed in the field to apply the immunization under the general direction of a physician. For these diseases there is no real need to follow up immunization programs by laboratory case finding or measurements of antibody titers. Resources devoted to these, nice to have but not capital cheap or essential activities, can be more productively employed. For another example, in many cases we can argue a greater need for sanitary engineering technicians than for microbiologists. It is more important to locate privies away from village water supplies,

[1] Rostow, W. W. The Stages of Economic Growth. New York, N.Y.: Cambridge University Press, 1960.

[2] Johnson, B. V., and Mellor, J. W. The Role of Agriculture in Economic Development. Am. Econ. Rev. 51:566–593, 1961.

and to instruct villagers in homemade construction of safe water supplies, for example, the use of local hardwood or bamboo as replacement for steel rods in reinforcing concrete used for encasing water wells, than for bacteriologists to run elaborate routine coliform counts.

For still another example we can cite the yaws eradication program, where injections of penicillin to all in a population can be done without the need for routine case finding by laboratory procedures.

It is an emotionally unsettling experience for a microbiologist to realize that his personal participation is not always needed to make a public health infectious disease enterprise successful, when it has been his labors that have provided illumination along the path of progress. Calm reflection should make specialists accept this fate as lighters of the lanterns which others are better equipped to carry; that is, in economic terms, more cheaply. If we wish, we can salve hurt feelings by rationalizing that this fate releases specialists for the task of building better lanterns.

BIOLOGICS PRODUCTION

Supplies of biologics can be imported or manufactured locally. Which is the wiser procedure for underdeveloped nations? Aside from false questions of national prestige, a capability should exist for such production, but the actual effort should be limited to those products produced more cheaply on the local market. Assistance grants of biologics can play a useful function, for they will be contributing directly to long-term raising of health and economic standards in the case of immunization programs. To the extent assistance grants have such a catalytic effect, funds generated by the local economy should eventually replace the assistance grant.

Only with a rising standard of living can it be expected there will be a gradual increase in the local capability to produce an increasing number of biologics more cheaply than can the highly industrialized nations. A question that needs consideration is whether a national population size limit exists below which one cannot hope for the creation of a biologics manufacturing industry able to compete, cost-wise, in the world market. This question is pertinent to ask of many of the smaller nations of Africa and Central America. It can well be that regional rather than national biologics production facilities are economically feasible. The problem is influenced by the shelf life of biologics. The longer the shelf life, the greater the practical distance the site of production of a biologic can be from the place of utilization, and the less likely a small country will find local manufacture of the biologic to be economic.

Definition and enforcement of standards

Public health authorities are charged with the development of community health standards, and the organization of consultative, inspection and enforcement services needed to maintain these standards given legal sanction. If the evaluation of public health practice in underdeveloped nations repeats the experience of developed nations, we can expect this role to be a primary one, often absorbing major resources available to public health departments, and gradually receding in relative emphasis as new functions are taken on concomitant with industrialization and rising standards of living. In this activity, sanitarians rather than microbiologists as such can be expected to be most involved. The greater role of microbiologists is not in daily practice or implementation of standards, but rather in making contributions to formulation of economical, reasonable and enforceable standards.

A major effort must be devoted to assuring safe water supplies in adequate volume. Hand in hand with this effort there must be provision for proper waste disposal. Routine measurement of the adequacy of practices instituted is accomplished by bacteriological means. Yet in the villages of underdeveloped nations it is not economical to organize laboratories for this task. A central provincial or national laboratory may make periodic bacteriological checks, but these of necessity must be at long intervals. Thus, in providing for safe water supplies, the contributions of public health educators in the instruction of people in proper waste disposal and of sanitary engineers in the design of fool-proof community facilities for protected water supplies and waste disposal utilizing local labor and materiel to the maximum extent possible are more significant than contributions microbiologists can make in the villages.

Education

The role microbiology can play rests upon an educational base. At first blush we can expect the educational resources in underdeveloped nations to be grossly inadequate in a quantitative sense. While this is certainly true of many nations, it is surprising and instructive to learn that this is not always true. Witness the Philippine Republic which has a satisfactory number of students.

TABLE 1.—*Student to population ratios* [1]

	College students	Per capita income in U.S. dollars (1960)
United States	1 to 88	2,222
Philippines	1 to 88	144
Denmark	1 to 412	1,000
England	1 to 847	1,352
Japan	1 to 972	307

	Law	Agriculture	Medicine
Philippines	1 to 1,818	1 to 6,660	1 to 3,510
United States	1 to 2,800	1 to 2,700	1 to 5,000

[1] It may seem contradictory that an underdeveloped nation has proportionally more college students than a developed nation. This reflects the intense interest in professional education, lower entry age and admission standards, lack of pressure to acquire a degree within a limited time span, and lower tuition fees in government-supported institutions in many underdeveloped nations relative to the United States and European nations. In spite of the large numbers of medical students in some underdeveloped nations, low training standards, concentration of physicians in urban centers, and inadequate numbers of students in technological and paramedical fields all result in serious medical and public health deficits.

It is clear that the Filipino people are committed to education and this is indeed a progressive attitude. Unfortunately, the drive for education is not always channeled to meet the needs of the economy. This condition of the educational scene in the Philippines (Table 1) is true for other underdeveloped nations.

The number of students aspiring or actually preparing for a professional career tends to be out of proportion to the needs of the country. Instead of being well provided with trained workers and technologists for agriculture and industry, where they can most usefully be employed, there is pressure for education in certain professions, such as the law and medicine, in disregard of national needs and balanced growth in skilled labor resources. In addition, there is a great desire by students in these lands to study for their chosen profession in the United States. Upon return to their country, the prestige attached to their association with an American university often places them at a competitive advantage compared to the stay-at-home. These students educated in American schools will often become university teachers and professional leaders in their communities. The question we must ask is whether or not foreign students trained in the United States will acquire the attitudes and skills needed to benefit their nation's economy. I have grave doubts that they will accomplish this in microbiology, since they are offered an educational experience designed for the American student who will practice his skills in the economic and social context of a community far different from that of underdeveloped nations.

Can the people in the villages of underdeveloped nations use the services of a resident microbiologist? Microbiologists tend to answer the question by reflex and unconscious selfish interest and say "yes." But is it certain this answer is correct? Can we specify in terms of real needs what skills the microbiologists, situated in the village, should have? Should he educate the people? If he does, are they prepared to follow his teachings? Why might his teachings often not be followed after an initial period of acceptance? Should he diagnose their microbiological troubles? Should he do research? Will he have local resources to do the things we say he should be doing?

If these questions can be answered wisely, there still remains the most important question. Will the microbiology student trained in the USA go to live and work in the village community? I am extremely doubtful that he will, if he has been feeding on a diet rich in Warburg manometers, microbial genetics, molecular biology and who may, as a possible result of this rich diet, have ingested—as frosting on a cake—a measure of intellectual snobbery. By intellectual snobbery is meant to act on the belief that problems not considered avant garde are passé, or to use French phrases instead of plain English, as I have just done. By intellectual snobbery is meant an intolerance of the efforts of those who do not engage in the newest and supposedly sophisticated technics. If a student has escaped these pitfalls of attitude, the problem remains that he may not be able to cope with the problems of practicing his profession in a resource-limited, backward area. He may tend to become cynical or discouraged and depart for greener pastures. Trained in the United States, he may try to stay there.

It is the rare individual who will spend much time on re-educating himself. Thus, we come to another sad, hard fact, but nonetheless realistic situation: in underdeveloped nations professional workers, including trained microbiologists, are concentrated in a few urban areas, particularly the political seat of the nation. They are not found in the hinterland where their services might be used. The professionals are established in institutions modern in ambition and architectural design. Although they are located in urban communities, they often stand in the midst of evidence of another era, the paraphernalia of an agrarian economy resistant to change in habits. The professionals in the university are often remote from these surroundings and do not always respond to it; nor to the challenge to prepare their students for work in these areas.

Education for work in public health microbiology in underdeveloped nations must be oriented to meet the needs of the economy. To do this many efforts must be in the rural areas and associated villages. To help achieve the dispersal of members of the microbiological community away from the few favored urban centers, formal education must combat tendencies to develop an intellectual caste system within professions. In plain words, this means you do not let the other fellow know you believe he belongs to a lower order of microbiologists because he is not working on what you consider to be the frontiers of knowledge at the favored institutions. As a matter of fact, we must learn to admire less fortunately placed colleagues who are doing the work of the world that must be done away from the centers of learning. Means must be found for com-

bating the intellectual and professional isolation of workers in the villages.

Specifically, what can we do in the United States to maximize the contributions microbiologists can make to assistance programs in underdeveloped nations? By improving the training offered, and becoming concerned with questions of professional attitudes, the faculties of American universities can make a special contribution to help the foreign student meet the problems he will face at home. This may be asking too much of the American university whose main concern is with the American community and student, and which attracts foreign students from all over the globe. Perhaps the latter situation needs reform. Might it not be possible to arrange for many of the students from a particular underdeveloped nation to be channeled to a given American university? The number and concentration of students would then justify development of a special program integrated with the normal curriculum available which could meet the complete needs of students from a selected underdeveloped nation or region. In part, this can be done by developing a faculty which includes members knowledgeable in the language, history, customs and social, economic, and political problems of the underdeveloped nation. At the same time, numbers of American students could be involved in such a program and be prepared for possible future assignments in assistance programs to the underdeveloped nation. Under this scheme, an individual university would not attempt to be all things to all students from all the varied corners of the earth.

In educating students for public health services in underdeveloped nations, there must be a proper emphasis on training in the technology as well as the principles of the microbiological sciences, an emphasis which I suspect no longer exists in many professional schools of public health in the United States. There is no objection to giving students from underdeveloped nations instruction in basic principles. But a special effort must be made to try to instruct the student in how these principles can be related to meeting the needs of his country. He should be made to feel he suffers no loss in dignity if he will make this effort.

If it is impractical for our universities and professional public health schools to meet the special needs for microbiology of students from underdeveloped regions, then agencies supporting assistance programs should seriously consider arranging for apprenticeships in service-oriented laboratories of city, state, and federal health organizations, and instruction at technical training schools of the armed forces just before the students return home.

RESEARCH

Research by microbiologists should fit into a general scheme of balanced activities directed toward raising living standards as a whole. The variety of microbiological efforts should be proportioned among a spectrum of activities seeking to reduce barriers to change and to raise the economic resources of the community. This means work must be done in agricultural and industrial microbiology, as well as in medical microbiology. Only this will result in an optimum return from the limited capital resources that underdeveloped nations can devote to microbiological research. All kinds of microbiological research should be coordinated with agricultural development. For example, it would be a boon to learn how to dispose of human waste in an economic yet esthetic way in rural areas and simultaneously provide for use of waste as fertilizer. Methods would have to be varied to adapt to differences in social prejudices existing in rural areas. In many ways it is a pity that, historically, the United States did not export its coordinated system of agricultural colleges, experiment stations, and extension services before or coincident with public health efforts overseas.

The efforts in medical microbiologic research should be tailored to meet needs promising the most ready expansion of economic activity. For example, collection of epidemiological data on the incidence of infectious disease is an essential activity in order to develop an accurate account of the economic toll exacted by individual diseases. These data can guide allocation of priorities between projects in the field and laboratory. It might thus prove, for example, more sensible to give higher priority to efforts to understand, control, and treat the infectious diseases of the most productive age group in the population rather than the diseases of infants and old people.

How can the relative values of different research activities be recognized, so that neither underestimation nor overestimation of the importance of microbiological research results? The practice is for experts to make intuitive judgments for their respective fields. Yet even if the intuitions of experts are correct in their choice of relative values within their fields, we have no basis for judgment of relative merit among competing disciplines. In underdeveloped nations all disciplines are in competition for use of limited research resources.

We need research on how to decide what areas of research take precedence. Thus, in a place where goats are prominent members of the agricultural economy, public health microbiologists would think it wise to develop vaccines to eliminate brucellosis from the goat. From his point of view the veterinary bacteriologist would give enthusiastic endorsement to this research. But tree lovers, conservationists, and economic historians might be aghast at such a proposal. Sensibly, their recommendations might be that we thank God that brucellosis is a wonderfully effective natural biological agent to control the voracious appetites of predatory herds of goats who, by denuding much of North Africa and the Near East of its trees and vegetative cover, have helped make the desert and added to the poverty of human society. I would vote for trees, and agree that it might be wiser to do animal husbandry and sociological research on developing a substitute for the goat acceptable to the herdsman, rather than a method for protecting undisciplined goats. How can we know who is right? What interdisciplinary efforts are systematically being made to answer such questions of ecological interrelationships?

Under natural circumstances, pathology has multiple causes. Wealthy nations can afford to attack all known causes of a given pathology. Underdeveloped nations cannot. In the control of infectious disease, bacteriologists will aim at identification of the microbial villain and development of immunization procedures. Sanitary engineers will aim at breaking the chain of transmission in the environment. Nutritionists will aim at repairing nutritional deficiencies believed to predispose a population to serious incidence of infection. In the few experiments and observations reported for this kind of situation, the nutritionists seem to have come out best in achieving significant lasting improvements in incidence of certain infections at reasonable cost when bacteriologists and sanitary engineers have failed.[3] Nonetheless, much research is still needed on the interrelationships of parasite, host, and environment in parasitism in human communities, if administrators with limited resources at their disposal are to be able to judge intelligently the relative value of attack of different elements in a composite situation.

Research is needed on how to reduce the cost of laboratory work. Fundamentally, the microbiological sciences are laboratory sciences. A considerable capital investment in housing and equipment is required to support the microbiologist. For some time to come in underdeveloped nations, it will be practical to adopt laboratory procedures that require less of an expenditure in laboratory equipment and utilities, though they may require more manpower than currently accepted practice. In many situations, otherwise unemployed manpower can be made more readily available, certainly in the semiskilled and technician categories, than resources for sophisticated laboratory facilities and gadgetry. In this connection we need research on how to reduce the formal educational requirements for training of technicians in underdeveloped nations.

To husband scarce foreign exchange we need research on local substitutes for imported material. Often unrecognized possibilities and unexploited potentialities exist in this area, particularly for consumable supplies such as bacteriological media constituents. Research is needed on reductions in the requirements for consumable supplies and for the extension of shelf and storage life without refrigeration. Research is needed on how to generate maximum utilization and re-use of items of equipment. It is desirable to learn how to substitute microscopic examinations for tests consuming reagents and glassware.

In villages of underdeveloped nations utilities for the generation of energy are in short supply, often not available for a full day and subject to frequent breakdown. This imposes severe limitation on laboratory procedures, particularly for those calling for controlled incubation temperatures. Research is needed to make it possible to routinely conduct a variety of laboratory procedures at ambient temperatures. That this is not an impossible or even difficult task Filipino colleagues and I were able to demonstrate in the case of use of selective media for isolation of Enterobacteriaceae in the tropical environment.[4]

Transportation and communication are difficult logistic problems in rural areas and villages. Thus, there is a great need to eliminate reference of specimens to central laboratories by the development of definitive foolproof laboratory procedures that can be conducted and interpreted in the field and at the bedside. To reduce the logistic burden of community immunization programs, there is need for research on combinations of vaccines and reduction in number of injections of vaccines.

The weight and volume of laboratory equipment must be reduced. Ruggedness and reliability must be built into equipment that will assure resistance to jarring transport over rough roads and the deleterious effects of humidity. Bacteriologists who have worked in the humid tropics know that much equipment is ruined and supplies wasted by deterioration because attention to these problems has been inadequate. A great need exists for devising economical packaging of small quantities of bacteriological media and chemicals in humidity excluding individual packets.

Many of the needs mentioned are not going to be solved by research at the frontiers of knowledge.[5] In the context of the stage of development of science in Western nations many of the research problems are

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[3] Scrimshaw, N. S. Ecological Factors in Nutritional Disease. Am. J. Clin. Nutrition 14:112–122, 1964.

[4] Lamanna, C.; Aragon, P.R.; and DeRoda, A. P. Isolation in the Tropics of Intestinal Pathogens on SS Medium Without Controlled Incubation. Am. J. Hyg. 64:281–288, 1956.

[5] United Nations Conference on the Application of Science and Technology for the Benefit of Less Developed Areas. Washington, D. C.: Gov. Ptg. Office, 1963.

not appealing. Who is going to do this research? Obviously, students in underdeveloped countries should undertake many of these efforts. These students who come to study in American universities must somehow be inculcated with the desire to undertake research of most immediate importance to their own countries. This brings me to repeat that responsible professional microbiologists should never denigrate the efforts of those who struggle with the mundane research problems of their science.

It would be salutary if experienced scientists, well established in microbiology, would turn their attention to the commonplace problems of underdeveloped nations. Being well along and secure in their careers, such a choice would be less difficult than for the young man striving to make his mark in the American research community where such research may bring meager career rewards. Such efforts by older scientists would set a good example for colleagues in underdeveloped nations. It would also remove any suspicion of sanctimoniousness when the American consultant and expert recommends such research efforts for others to undertake. It would remove the suspicion that the outside expert is interested in the underdeveloped nation simply as a good source of research material. Although the host may be too polite to reveal such a suspicion to the guest, it is a situation that must be guarded against in assistance programs that send academicians and research microbiologists overseas for temporary stays.

THE ARMED SERVICES

Military medicine is oriented to preventive medicine. The military services face problems in logistics with which the civilian community is not seriously concerned. As a result, military medical organizations have solved or are striving to solve problems of organization, training, support, transportation, and equipment of which the civilian community may be ignorant. The armed forces by necessity have developed methods for the rapid instruction of large numbers of students who possess minimal formal preparatory education. The training of technicians is aimed at practical implementation of theory in the field, and the undertaking of tasks by technicians and paramedical aides to free scarce professional staffs for concentration of effort on the more complex and difficult tasks. Design of military medical equipment aims for ruggedness, reliability, simplicity, miniaturization, and economy. Often, in underdeveloped nations, these techniques and equipment would be more practical substitutes for use than imitation of the more leisurely and elaborate ways of doing things in the civilian community of developed nations. It would be worthwhile to systematically explore the possibilities for application to underdeveloped nations of military medical technology. I know of no one who is doing so.

The armed services of the United States are sponsoring programs of civic action in underdeveloped nations. Civic action is the utilization of indigenous military forces on projects useful to the populace at all levels in training, public works, agriculture, transportation, communication, public health, and any activity helpful to economic development. Microbiologists should be cognizant of the existence of this program and should take the initiative in suggesting how civic action may employ projects in public health microbiology.

It would be a great boon for humanity if international relations were advanced to the point of making the maintenance of military forces unnecessary. This outcome can only come by a process of evolution. Civic action is a step in the right direction. The diversion of the energies of the armed forces of underdeveloped nations into civic action has the virtue of inculcating a sense of social responsibility in an influential segment of the community, and by direct contribution to raising living standards of the populace as a whole decreases the economic causes of internal and international tensions.[6] Often, the military are in the best position to assign technically trained personnel and give logistic support to remote rural areas. There is no reason why public health microbiology in underdeveloped nations should not employ the indigenous resources potentially available by organizing civic action programs.

CONCLUDING REMARKS

Although combinations of conditions in underdeveloped countries are not identical, some generalizations are possible:

1. Public health microbiology in underdeveloped nations should be geared to economic development plans. Ministries of public health, agriculture, commerce, and education should coordinate their activities.
2. Public health microbiology activities that are capital cheap should be emphasized. Nice to do but not essential activities should be identified and given secondary priority in the allocation of resources.
3. Educational institutions and professional organizations in microbiology should be sympathetic toward meeting the special economic and social needs of underdeveloped nations.
4. Microbiological research in underdeveloped nations should evolve by a natural progression from efforts to solve practical needs. Initially, basic research programs should be small in committed resources, and should develop and grow as a response to stimuli engendered by attempts to meet economic and social needs.
5. Microbiologists should take the initiative in suggesting how specific microbiological efforts can contribute to foreign assistance and civic action programs in underdeveloped nations.

[6] Johnson, J. J. The Military and Society in Latin America. Stanford, Calif.: Stanford University Press, 1964.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Is there further morning business? If not, morning business is concluded.

Mr. ELLENDER. 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. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. WILLIAMS of Delaware. I object.

The PRESIDING OFFICER. Objection is heard.

The rollcall was resumed and concluded, and the following Senators answered to their names:

[No. 250 Leg.]

Burdick	Hickenlooper	Prouty
Byrd, Va.	Holland	Proxmire
Carlson	Inouye	Robertson
Clark	Jackson	Scott
Eastland	Javits	Smith
Ellender	Lausche	Symington
Gruening	Long, La.	Tydings
Hart	McIntyre	Williams, Del.

Mr. LONG of Louisiana. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Nevada [Mr. CANNON], the Senator from Indiana [Mr. HARTKE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. BIBLE], the Senator from Idaho [Mr. CHURCH], the Senator from Illinois [Mr. DOUGLAS], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from North Carolina [Mr. JORDAN], the Senator from New York [Mr. KENNEDY], the Senator from Wyoming [Mr. MCGEE], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Montana [Mr. METCALF], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from South Carolina [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Georgia [Mr. TALMADGE] are necessarily absent.

Mr. DIRKSEN. I announce that the Senator from California [Mr. MURPHY] is absent because of illness.

The Senator from Vermont [Mr. AIKEN], the Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK], the Senator from Utah [Mr. BENNETT], the Senator from New Jersey [Mr. CASE], the Senators from Kentucky [Mr. COOPER and Mr. MORTON], the Senator from New Hampshire [Mr. COTTON], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from Arizona [Mr. FANNIN], the Senator from Hawaii [Mr. FONG], the Senator from Michigan [Mr. GRIFFIN], the Senator from Iowa [Mr. MILLER], the Senator from Kansas [Mr. PEARSON], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Wyoming [Mr. SIMPSON], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. TOWER], are necessarily absent.

The Senator from California [Mr. KUCHEL] is detained on official business.

The Senator from Idaho [Mr. JORDAN] is absent on official business.

The PRESIDING OFFICER. A quorum is not present.

Mr. PROXMIRE. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Bass	Hill	Pell
Bayh	Mansfield	Randolph
Boggs	McCarthy	Ribicoff
Brewster	Mondale	Russell, Ga.
Byrd, W. Va.	Monroney	Stennis
Dirksen	Mundt	Williams, N.J.
Dodd	Nelson	Yarborough
Ervin	Pastore	Young, N. Dak.

RECESS UNTIL MONDAY

Mr. HART. Mr. President, in accordance with the order of yesterday, September 8, 1966, I move that the Senate stand in recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 2 o'clock and 54 minutes p.m.) the Senate took a recess until Monday, September 12, 1966, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 9 (legislative day of September 7), 1966:

General Conference of the International Atomic Energy Agency

Glenn T. Seaborg, of California, to be the representative of the United States of America to the 10th session of the General Conference of the International Atomic Energy Agency.

The following-named persons to be alternate representatives of the United States of America to the 10th session of the General Conference of the International Atomic Energy Agency:

Verne B. Lewis, of Maryland.
Samuel M. Nabrit, of Texas.
James T. Ramey, of Illinois.
Henry DeWolf Smyth, of New Jersey.

Federal Home Loan Bank Board

Robert L. Rand, of California, to be a member of Federal Home Loan Bank Board for the term of 4 years expiring June 30, 1970.

The Judiciary

James A. von der Heydt, of Alaska, to be U.S. district judge for the district of Alaska vice Walter H. Hodge, retiring.

Frank A. Kaufman, of Maryland, to be U.S. district judge for the district of Maryland to fill a new position created by Public Law 89-372, approved March 18, 1966.

Alexander Harvey II, of Maryland, to be U.S. district judge for the district of Maryland vice Harrison L. Winter, elevated.

Robert F. Peckham, of California, to be U.S. district judge for the northern district of California to fill a new position to become effective September 18, 1966, by Public Law 89-372, approved March 18, 1966.

Gerald W. Heaney, of Minnesota, to be U.S. circuit judge, 8th circuit, to fill a new position created by Public Law 89-372, approved March 18, 1966.

Postmasters

The following-named persons to be postmasters:

ALABAMA

Percy L. Beech, Chatom, Ala., in place of H. N. Jordon, retired.

CALIFORNIA

Thomas F. Polidori, Boyes Hot Springs, Calif., in place of M. A. Shane, retired.

COLORADO

Joseph J. Lis, Broomfield, Colo., in place of Miles Crawford, retired.

CONNECTICUT

Robert R. Cassidy, Plainville, Conn., in place of A. J. Sataline, deceased.

GEORGIA

Betty B. Torbert, Bluffton, Ga., in place of G. W. Greene, deceased.

IDAHO

Mildred E. Snell, Cambridge, Idaho, in place of E. H. Welker, retired.

Verla E. Hall, Genesee, Idaho, in place of J. W. Hickman, transferred.

ILLINOIS

Buford C. Hornecker, Augusta, Ill., in place of Q. B. Bilderback, retired.

Jane L. Lowery, Joppa, Ill., in place of T. M. Comer, deceased.

Lester W. Lindelof, Sibley, Ill., in place of M. J. Brandt, retired.

INDIANA

James C. Jones, Pine Village, Ind., in place of Esta Hildenbrand, retired.

IOWA

Donald R. Lammers, Alton, Iowa, in place of G. E. Bowers, retired.

Robert H. Remmes, Charter Oak, Iowa, in place of P. H. F. Sievers, retired.

Severance A. Sill, Cresco, Iowa, in place of T. V. Darby, retired.

Richard A. Netolicky, Ely, Iowa, in place of F. W. Elias, retired.

Dolvin V. Miland, Goodell, Iowa, in place of L. M. Wilkins, retired.

KANSAS

Ward K. Watkins, Brookville, Kans., in place of W. E. Dinkler, transferred.

Herman H. Williams, Clearwater, Kans., in place of Walter Koon, retired.

LeRoy E. Berland, Palco, Kans., in place of H. R. Bomgardner, transferred.

MAINE

Bert G. Clifford, Unity, Maine, in place of L. W. Tozier, retired.

MARYLAND

T. Clayton Long, Denton, Md., in place of C. F. Bright, retired.

MASSACHUSETTS

Andrew A. Gomes, North Carver, Mass., in place of G. T. Harriman, resigned.

MINNESOTA

Raymond H. Salzwedel, Lakefield, Minn., in place of A. E. Comstock, retired.

Robert E. Dumas, Long Lake, Minn., in place of B. M. Dumas, retired.

Laverne D. Schuster, Tintah, Minn., in place of Henry Beving, deceased.

MISSISSIPPI

Charles E. Monroe, Dennis, Miss., in place of E. K. Campbell, retired.

MISSOURI

Margaret J. Carr, Farber, Mo., in place of Lillian Crow, retired.

Joseph F. Gosen, Rhineland, Mo., in place of M. E. Peters, retired.

MONTANA

Hugh Heily, Columbus, Mont., in place of J. P. Graham, deceased.

Bruce D. Watters, Dillon, Mont., in place of H. J. Andrus, retired.

NEBRASKA

John W. Hamer, North Loup, Nebr., in place of H. J. Hoepner, retired.

Ernest E. Kuhl, Orleans, Nebr., in place of Inez Logsdon, retired.

Rex C. Heitman, Wallace, Nebr., in place of G. W. Pilkington, retired.

Robert F. Brazda, Wisner, Nebr., in place of L. D. Dewitz, retired.

NEW JERSEY

John L. Burke, Princeton Junction, N.J., in place of E. J. Hall, resigned.

Frank J. Antine, Secaucus, N.J., office established September 1, 1964.

NEW YORK

Gordon F. Hack, Beaver Falls, N.Y., in place of S. A. Herzig, retired.

Arlene H. Lockwood, Corbettsville, N.Y., in place of B. V. Stone, retired.

Donald P. Havern, Newtonville, N.Y., in place of J. H. Tanney, retired.

NORTH CAROLINA

Robert M. Cassell, Cary, N.C., in place of R. E. Sorrell, transferred.

OHIO

David McIlrath, Chagrin Falls, Ohio, in place of Joseph Davidson, retired.

Carl R. Harris, Mowrystown, Ohio, in place of C. W. Hodson, retired.

OKLAHOMA

William A. Holcombe, Colcord, Okla., in place of O. E. Cockrell, retired.

OREGON

Alma M. Elliott, Chiloquin, Oreg., in place of J. C. Zadina, resigned.

PENNSYLVANIA

Harvey L. Martin, Bear Lake, Pa., in place of E. L. Crowe, retired.

Glenn C. Barnhart, Little Meadows, Pa., in place of C. W. Lynch, retired.

Ann R. Daly, Wallingford, Pa., in place of S. W. Parker, retired.

Henry C. Slaczka, Wilmerding, Pa., in place of A. J. Trenga, transferred.

PUERTO RICO

Victor Mulero, Culebra, P.R., in place of T. M. Gonzales, retired.

SOUTH DAKOTA

Evelyn K. Bjerke, Volga, S. Dak., in place of H. A. Christianson, transferred.

TENNESSEE

Wilma H. Williams, Cosby, Tenn., in place of G. K. Harrison, deceased.

TEXAS

Garth A. Bills, Breckenridge, Tex., in place of Claude Thompson, retired.

VIRGINIA

Bobby H. Colyer, Wise, Va., in place of S. H. Hale, retired.

WISCONSIN

Paul E. Boettcher, Brokaw, Wis., in place of R. R. Taylor, retired.

Kenneth K. Kanneberg, Loyal, Wis., in place of L. M. Meyer, deceased.

Bruce J. Bennett, Mineral Point, Wis., in place of H. A. Nohr, retired.

Joseph J. Zobal, New Lisbon, Wis., in place of Albert Hansen, retired.

Alvin R. Stever, Saxon, Wis., in place of I. M. Melchert, retired.

Martin O. Feuling, Sun Prairie, Wis., in place of M. F. McGonigle, retired.

Arved J. Mickelson, Westby, Wis., in place of O. L. Holman, retired.

In the Navy

Rear. Adm. George W. Calver, Medical Corps, U.S. Navy (retired), for appointment to the grade of vice admiral pursuant to article II, section 2, clause 2 of the Constitution.

In the Air Force

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be prescribed by the Secretary of the Air Force:

To be captain, USAF (Medical)

Robert E. Evans, FV3112717.

To be first lieutenants, USAF (Medical)

Robert E. Gold, FV3165595.
Edward H. Parker, Jr., FV3168005.

To be captain, USAF (Dental)

Don A. Penners.
Stanley L. Wellins.

To be first lieutenants, USAF (Dental)

Blaine E. Alleman III.
Glenn E. Richard, FV3164421.
James W. Wilcox, FV3165472.
Raymond E. Menegay, FV3142082.
Rodney A. Rivard, FV3141338.
Theodore T. Wilson, FV3142164.

The following distinguished graduates of the USAF Officer Training School for appointment in the Regular Air Force in the

grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

David C. Bane, Jr., FV3179464.
Ronald O. Barksdale, FV3179489.
Melvin W. Barton, FV3179799.
Davis H. Bernstein, FV3179352.
Robert C. Brayton, FV3179657.
Paul O. Cormier, FV3179695.
Daniel T. Davis, FV3183843.
Paul M. Deblois, FV3179584.
Gerald J. Gayvert, FV3179796.
Kenneth L. Hadley, FV3179806.
David E. Hall, FV3179456.
Gerald G. Iverson, FV3179436.
Ronald E. Klipsch, FV3179733.
Joel B. Knowles, FV3183847.
Douglas L. Leber, FV3179540.
Robert L. Linhardt, FV3183849.
Roger D. Long, FV3183850.
Dennis J. Maher, FV3183851.
Edwin J. Maurer, Jr., FV3179619.
Mahlon R. McIlwain, FV3179748.
Ernest E. Mott, FV3179641.
Jimmy Myer, FV3179547.
Philip A. Nicholson, FV3183853.
Daniel F. Ogorman, FV3179795.
John W. Page, FV3183854.
Augustine T. Piner, FV3183855.
Charles T. Purkiss, FV3179780.
Allison L. Reams II, FV3179293.
Dennis E. Saulque, FV3178923.
Allen R. Schnibben, FV3179544.
William L. Scott, FV3179737.
Ardie K. Smith, FV3179697.
Claude W. Smith, FV3179545.
Hugh D. Stites, FV3179389.
William S. Swisher, FV3179446.
Wade A. Taylor, FV3179517.
John Valido, FV3179770.
Jacob E. Varn, FV3179859.
William H. Watts, FV3179600.
Larry D. Winn, FV3183857.

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provision of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

First lieutenant to captain

LINE OF THE AIR FORCE

Abby, Darwin G., FR69190.
Abraham, Gary W., FR71322.
Abrams, Richard L., FR72585.
Ackerman, Ronald R., FR71815.
Adame, Frederick P., Jr., FR63422.
Adams, Richard E., FR72957.
Adamson, Derry A., FR59120.
Adee, Donald P., FR59469.
Aglio, Carl J., FR59121.
Albershart, Thomas B., FR59122.
Albright, Edward L., FR71585.
Alexander, James W., FR59123.
Alexander, Norman C., FR59124.
Alford, James M., FR59125.
Alie, Jean R., FR69366.
Allan, Andrew A., FR69451.
Allen, Ernest G., Jr., FR71323.
Allen, James C., FR69367.
Allen, Lacy A., FR69042.
Allen, Lawrence W., FR72586.
Allen, Robert L., FR74334.
Allerheiligen, James E., FR69407.
Allison, Gary G., FR74309.
Allmann, Lee R., FR73553.
Allsman, Gerald F., FR68849.
Almanzar, Donald H., FR59126.
Alnwick, Kenneth J., FR59127.
Altenburg, John F., FR59781.
Altenhofen, William H., FR69014.
Altic, David L., FR59519.
Ames, Richard C., FR59128.
Anderson, Calvin C., FR73142.
Anderson, George W., Jr., FR72032.
Anderson, Hollis D., FR72033.
Anderson, James W., III, FR59129.
Anderson, Paul J., Jr., FR71586.
Andres, Leonard P., FR69439.
Andrews, Leonard E., FR68826.
Angle, Theodore E., FR68795.
Angliss, William W., FR72035.
Ankley, Donald C., FR68995.
Anselmo, Robert J., FR73813.
Anthony, Russell D., Jr., FR59907.
Aparicio, Arthur J., Jr., FR74310.
Apel, Larry A., FR59117.
Apgar, Henry E., Jr., FR59689.
Archer, James A., FR68713.
Arellano, Gustavo O., FR72036.
Arnold, John K. III, FR68914.
Arnold, Michael L., FR73555.
Arnold, Thomas N., FR68812.
Arter, Gerald R., FR69171.
Arthur, Paul M., FR71898.
Ashbaugh, Maurice D., Jr., FR73556.
Ashworth, Pratt D., FR72038.
Atkinson, Fuller O., FR59130.
Ator, Robert A., FR73143.
Auclair, Michael D., FR73557.
Augustine, Leonard J., FR68962.
Austin, James L., FR69191.
Austin, James T., FR74345.
Austin, Roger J., FR59743.
Austin, William R., II, FR71588.
Auten, Jimmie D., FR73144.
Autsch, Fritz A., FR72039.
Ayres, James H., FR69105.
Baak, Jerome A., FR59638.
Babione, William P., FR74348.
Baddley, Benny H., FR69519.
Bagley, Thomas J., III, FR74351.
Bailey, Jerry T., FR69112.
Bailey, Thomas F., FR72590.
Baird, William B., FR68778.
Baker, Arthur D., FR72040.
Baker, Dale T., FR72591.
Baker, Mary E., FR72343.
Baker, Ozrow E., FR68908.
Bakewell, Joseph R., FR69113.
Balas, George R., FR72837.
Baldassano, Robert S., FR74355.
Baldock, Jessie C., FR69368.
Baldwin, Claude R., FR74311.
Baldwin, Nathan W., FR73150.
Baldwin, Rey D., FR69051.
Bales, Arthur W., III, FR73560.
Bales, Francis A., Jr., FR61134.
Ball, Billy D., FR74356.
Ballasch, Thomas L., FR73561.
Ballou, James R., FR74358.
Barber, Lawrence W., FR68850.
Barks, Francis W., FR62039.
Barnes, Wymon J., FR71327.
Barnett, Herbert W., FR59133.
Barnhart, Rodger L., FR69214.
Baron, David A., FR74366.
Barr, John E., Jr., FR69100.
Barrett, Donald L., FR74367.
Barth, Roland E., FR73564.
Bartunek, Robert D., FR59666.
Bassett David H., FR72344.
Bastian, Kenneth E., FR74370.
Bates, Franklin D., FR73566.
Batson, Buren T., Jr., FR69369.
Batten, Virgil F., FR72345.
Baty, Richard S., FR72594.
Bauer, Donald W., FR73153.
Bauermeister, Kurt E., FR69114.
Bay, Jerry L., FR59455.
Bean, Donald W., FR69115.
Bean, Larry B., FR72346.
Beckner, Stanley G., FR73155.
Beezley, Ronnie W., FR68745.
Beland, Richard J., FR69117.
Bell, James R., FR72595.
Bender, Eduard, FR71698.
Bender, Walter W., FR78499.
Benedict, John H., FR69229.
Bennett, Frank J., FR71331.
Bennett, Paul D., FR72596.
Benson, Eugene W., FR69118.
Berg, Donald J., FR61124.
Bergmann, Joseph, FR72978.
Berle, Terence H., FR73159.
Bernard, Gregory L., FR69502.
Bernard, Samuel T., FR72349.
Bessette, Carol S., FR75078.
Bessinger, Donald J., FR69223.
Betts, Earl P., FR69443.
Betz, John C., Jr., FR59849.
Bevans, John P., FR59135.
Bever, Howard O., FR73161.
Bexten, Richard C., FR39101.
Bezek, George M., FR59136.
Biancur, Andrew W., FR59137.
Biehle, Kenneth H., FR59138.
Biesiadecki, Richard J., FR62973.
Biggs, Dennis M., FR59671.
Billeaudeaux, Lionel C., FR72043.
Billings, John H., FR72350.
Billingslea, Donald B., FR69323.
Bills, Joseph W., Jr., FR68830.
Bingham, Richard D., FR69119.
Birkholz, John C., Jr., FR59140.
Birmingham, Edward P., FR73164.
Bishop, Marvin L., FR72044.
Bisset, David G., FR69515.
Bitschenauer, Albert E. K., FR71699.
Black, Gerald W., FR73165.
Black, Harry W., Jr., FR73570.
Black, Robert S., FR72351.
Blackburn, Gerald M., FR69370.
Blackburn, James H., Jr., FR74391.
Blackmore, Ronald E., FR73166.
Blackwood, Robert S., II, FR73820.
Blahous, Edward G., FR69422.
Blais, David N., FR71333.
Blaker, Philip C., FR59797.
Blankenship, Charles H., FR73167.
Blatter, Richard W., FR68771.
Blaydes, Robert L., FR69421.
Bliss, George W., FR71701.
Blount, Charles F., FR73571.
Bloyder, Joseph J., FR61117.
Blue, Harry G., Jr., FR69015.
Blum, John E., FR59142.
Blumenthal, Morris C., Jr., FR72352.
Bobek, Andrew S., FR73169.
Bobick, James C., FR69440.
Bodahl, Jon K., FR73572.
Bodnar, John A., FR71335.
Boehme, Robert E., FR68906.
Bohmfalk, Frederick H., FR68721.
Boles, Dyek R., FR69419.
Boles, Robert H., FR72841.
Bond, Charles C., FR72353.
Bond, Robert I., FR69324.
Bondurant, Robert A., III, FR59928.
Boutchyard, Fred R., FR73171.
Bowers, Glen L., FR71194.
Bowles, James E., FR62040.
Bowman, Buddy L., FR59662.
Bowser, James D., FR69187.
Boyce, James W., Jr., FR69520.
Boyd, Charles G., FR72601.
Boyer, George K., FR59877.
Boyington, Gregory, Jr., FR59145.
Boys, William W., FR74405.
Bozzuto, Charles D., FR72494.
Braden, Richard P., FR78091.
Bradley, Donald L., FR74406.
Brady, Tim, FR74409.
Branch, Edward A., FR73578.
Brandner, Eugene, FR69237.
Brandon, Felix R., II, FR73174.
Brandt, Douglas R., FR68217.
Branson, Claud L., Jr., FR69090.
Bratton, David C., FR69052.
Bratton, Richard V. D., FR72354.
Breit, William M., FR59146.
Brennan, William E., FR69430.
Briesacher, Herbert A., FR74413.
Bright, Edward G. D., FR72047.
Brill, Frank Z., Jr., FR72604.
Brink, Ronald H., FR69071.
Brinker, Michael P., FR73827.
Briska, John J., FR69194.
Bristow, Dean L., FR59147.
Broadwell, Charles L., FR69233.
Brock, Harvey K., FR69218.
Broderick, Thomas D., FR72842.
Bronson, Howa F. III, FR59148.
Brooke, Robert J., FR69016.
Brooks, John J., Jr., FR74417.
Brooks, Sonny J., FR74419.
Brost, Harold G., FR59149.
Broussard, Patrick R., FR69265.
Brown, Bruce L., FR59113.
Brown, Garnett C., Jr., FR69449.
Brown, Joseph B., Jr., FR71704.

Brown, Marvin F., FR69398.
Brown, Robert L., FR59870.
Brown, Roger A., FR72048.
Brown, Thomas R., FR72606.
Brown, Wilbur R., FR59639.
Browning, Millard S., FR69282.
Brummett, William E., FR69064.
Brush, John S., FR59152.
Bryant, Roosevelt, FR69408.
Bryant, Willard W., FR59834.
Buchan, William E., FR69275.
Buchen, Michael G., FR59153.
Buchholz, Francis J., Jr., FR69521.
Buchmeier, Otto, FR73830.
Buck, Edward F., FR71337.
Buck, Virgil A., FR72607.
Budzinski, Norbert L., FR72049.
Buff, Peter M., Jr., FR73831.
Bugeda, Richard B., FR72357.
Buran, Herbert M., FR68996.
Burba, James G., FR69221.
Burke, Michael F., FR72051.
Burke, Thomas E., FR59155.
Burnett, Laurance W., Jr., FR71706.
Burnett, Ronald G., FR71523.
Burnett, William R., FR72052.
Burney, David L., FR73834.
Burnham, Richard A., FR74432.
Burns, John E., FR74312.
Burris, Joseph B., FR74434.
Burshnick, Anthony J., FR59158.
Burton, Peter J., FR59159.
Busby, Leon R., FR69304.
Bush, Robert W., FR68953.
Busko, George, Jr., FR72053.
Buss, Larry H., FR71338.
Byerly, Richard L., FR63001.
Cable, Dick A., FR59892.
Cain, James E., FR62972.
Caldwell, Eldon G., FR72844.
Caldwell, William B., FR59862.
Call, Edward K., FR74313.
Calvert, Jerome R., FR71914.
Campbell, Clarence C., FR69096.
Canaga, Joseph R., FR71340.
Cannato, Samuel A., Jr., FR69501.
Cannon, Ronald G., FR68749.
Canterbury, Alfred K., Jr., FR59160.
Cappi, Albert E., FR73184.
Carey, Charles C., FR71342.
Carleton, James E., FR68822.
Carlton, John S., Jr., FR72503.
Carnegie, William A., FR59161.
Carnes, Frederick E., FR59764.
Carpenter, John H., FR69401.
Carroll, James H., FR74449.
Carroll, Michael J., FR74450.
Carroll, Paul L., Jr., FR73838.
Carroll, Roger W., Jr., FR73839.
Carron, Edward L., FR69478.
Carter, Frederick K., FR72058.
Carter, James R., FR59162.
Carter, Willia A., Jr., FR59656.
Carver, Jimmy D., FR59163.
Case, Martin V., Jr., FR59683.
Cashion, Richard P., FR68825.
Caskey, Jerry L., FR59164.
Casson, Charles B., FR68968.
Casteel, David E., FR68910.
Castleberry, Mural F., FR68797.
Catledge, Morris B., Jr., FR69121.
Cavender, Henry J., FR71344.
Cech, Paul F., FR74462.
Centala, Martin D., FR59875.
Ceruti, Robert E., FR69415.
Chace, Henry V., FR73588.
Chandler, Charles R., FR61127.
Chandler, Jerry D., FR69472.
Chapin, Bryce H., FR68986.
Chelstrom, John A., FR69322.
Cheney, William E., FR59541.
Cheney, William F. IV, FR68718.
Cherry, Edward D., FR72611.
Cheshire, Frank E., Jr., FR62955.
Chesnut, Jack E., FR69347.
Chesnutt, Chamble M., FR72061.
Christison, Charles F., FR72612.
Chuvala, Bruce A., FR74469.
Cilvik, Reginald M., FR59468.
Claassen, Elnatha L., FR69203.
Clapper, Jack K., FR71709.
Clark, Edward A., FR71920.
Clark, James W., Jr., FR59165.
Clark, Robert O., FR69184.
Clark, Walter L., FR55753.
Clarke, Colin A., FR73845.
Clarke, Michael A., FR59166.
Clarke, Michael J., FR59167.
Clarke, Rodger C., FR69182.
Clarkson, Rolland F., Jr., FR59871.
Cleary, Richard M. J., FR78070.
Clement, Robert O., FR59653.
Clink, Richard H., FR62048.
Cloutier, Frank L., FR59168.
Cloutier, Richard A., FR59927.
Clowers, James L., FR68710.
Clyde, John R., FR69337.
Cobb, James W., FR71348.
Cobb, John T., FR59895.
Cody, Richard D., FR73192.
Cogdell, William K., FR69444.
Collier, George M., FR59169.
Collins, Charles V., FR59170.
Collins, Gary R., FR73197.
Collins, Joe E., FR74480.
Collins, Lloyd H., FR72616.
Colter, Craig G., FR59171.
Colwell, John E., FR69093.
Compton, Andrew J., FR74483.
Congdon, Norman B., FR59172.
Connaughton, John M., FR72847.
Conover, James H., FR74487.
Conrad, Robert L., FR72064.
Conrad, Theodore J., FR63379.
Cook, Darvan E., FR72848.
Cook, Gene C., FR73591.
Cook, Harold C., FR68717.
Cook, James D., FR69371.
Cook, Lee R., FR69344.
Cooke, Garth R., FR59173.
Cooke, Phillip A., FR59174.
Coolidge, Kenneth B., FR68945.
Coon, Charles R., FR59175.
Coon, James L., FR68766.
Copenhaver, Howard W., Jr., FR73200.
Corder, John A., FR71711.
Cordova, Richard L., FR73202.
Cornelius, Arthur B., FR72066.
Cosentino, Cornelius, FR72996.
Costley, Roy L., FR68852.
Cotner, Paul L., FR72998.
Cotton, Autin G., FR69164.
Couranz, George R., FR59773.
Cowie, James M., FR72619.
Cox, Harla D., FR72620.
Cox, Samuel J., FR63005.
Crabbe, James M., FR59177.
Craft, Wayne J., FR74502.
Craig, James R., Jr., FR72068.
Crawford, John N., III, FR59540.
Crawford, Robert S., FR69053.
Creel, Joel D., FR73204.
Crew, Gary F., FR59178.
Crigler, Louis A., FR59667.
Crochet, John L., Jr., FR71353.
Crock, Roland L., FR69023.
Crockett, Richard H., Jr., FR59926.
Cronin, John E., FR73595.
Croninger, Charles H., FR59628.
Crook, Henry M., Jr., FR59675.
Crow, Richard R., FR72622.
Croy, John H., FR59685.
Crum, John M., FR71354.
Crummie, John H., FR68739.
Cubberly, Robert L., FR72073.
Cudd, George S., FR72074.
Cumrow, Edward W., FR73849.
Cummins, Jack B., FR71355.
Cunningham, Donald C., FR74505.
Curran, James T., FR73850.
Currey, John R., Jr., FR59180.
Currie, John C., FR68854.
Currie, Tom P., FR68829.
Curry, John L., Jr., FR73597.
Cushing, James A., FR69732.
Cuskey, Russell J., Jr., FR71356.
Cutforth, Richard E., FR69172.
Daily, James W., FR73210.
Daily, Sammy G., FR74510.
Dale, David M., FR74511.
Dalton, John F., FR72076.
Damico, Joseph L., FR73851.
Darco, Silvio V., FR74513.
Dasenbrock, Frederick E., FR59794.
Daudel, Walter L., FR59183.
Davidson, Carl L., FR73852.
Davidson, James R., FR71713.
Davidson, John K., FR59184.
Davila, Robert, FR68847.
Davis, Bruce R., FR73212.
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Lee, John U., FR82141.
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Thompson, Arthur E., FR82264.
Thompson, James N., FR76655.

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Camamo, Joseph A., FR81499.
Ceresoli, Raymond A., FR81501.
Chalfin, Charles W., FR3140850.
Comis, James C., Jr., FR81502.
Davis, John W., Jr., FR79255.
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Donnelly, Maurice W., FR3166465.
Forgach, John J., FR81503.
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Hammelman, James A., FR3142569.
Hartman, Kenton S., FR3165175.
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Landino, Richard J., FR3140393.
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Ault, Mary M., FR75767.
Bailes, Mary E., FR76290.
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Bennett, Carol J., FR70406.
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Bingham, Thomas W., FR65964.
Brady, John G., FR82029.
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Cauley, Jerry D., FR72059.
Chapman, Samuel B., Jr., FR75293.
Conley, Raymond P., FR65981.
Crum, Clark E., FR76566.
English, Robert A., FR65969.
Fry, David A., FR65982.
Gabriel, James E., FR65983.
Gemma, William R., FR65970.
Gorman, John A., FR76373.
Greene, Wendell J., FR65980.
Hudock, Jack, FR65975.
Leopold, Gerald R., FR65973.
Mason, William M., FR65976.
McNally, Paul M., FR82171.
Micka, Richard G., FR70932.
Moore, Jerry L., FR59801.
Perlstein, Robert J., FR70933.
Rider, George, FR65968.
Rieckhoff, Elmer C., FR3104844.
Robison, Robbie S., FR65978.
Sanders, Lewis D., FR76270.
Schumaker, Clarence J., Jr., FR70931.
Shotton, Francis T., Jr., FR3194907.
Silliman, Charles L., FR65977.
Stang, Theodore A., Jr., FR76271.
Stewart, Stanley, FR82255.
Strentzsch, Alfred I., Jr., FR65971.
Tibbetts, Thomas, FR76272.
Vanrysselberge, John P., FR65967.
Williams, Robert S., FR72950.

VETERINARY CORPS

Banknieder, Augus R., FR82007.
May, William O., Jr., FR3140755.
McConnell, Ernest E., FR82161.

BIOMEDICAL SCIENCES CORPS

Archibald, Charles J., FR70929.
Boehm, Paul E., FR65972.
Coughlin, John J., FR59929.
Dougherty, Jerry P., FR82061.
Edwards, James D., FR70930.
Gokelman, John J., FR78413.
Heckman, Gerald R., FR70927.
Johnson, Barbara A., FR82337.
Kidd, Charles C., FR65966.
Kyllo, Joan B., FR82343.
Lewis, Thayer J., FR82146.
Markland, Darryl T., FR76569.
Moody, Maynard G., FR82178.
Patterson, Lucille G., FR82326.
Perry, Euril W., FR76375.
Schulz, John F., FR65974.
Schulz, Victor B., FR82235.
Theiner, Eric C., FR76376.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of major, subject to qualification therefor as provided by law:

Louis R. Abraham
Frank P. Accomando
John B. Acey
Lynn M. Ackerman
Richard D. Acott
John A. Adams
Richard J. Adams
Robert T. Adams
Thomas G. Adams
Mars M. Adkins
John B. Airola
Constantine Albans
Karl V. Albert
Howard E. Albright
Raymond C. Albro, Jr.
Charles R. Alexander
Robert B. Alexander
Donald F. Alford
Dwight R. Allen, Jr.
Francis R. Allen
Robert R. Allen
William H. Allen, Jr.
Harold J. Alwan
Lewie E. Amick, Jr.
Alton L. Amidon
Thomas W. Amis
Dennis N. Anderson
Ira C. Anderson
Leland G. Anderson
Ronald C. Andreas
Burk Andrews
William D. Andrews
Harold L. Angle
Thomas P. Angus
Ralph J. Appezzato
Phillip T. Arman
Stephen A. Armstrong
Curtis G. Arnold
Roy F. Arnold
William P. Arnold
Wilbur H. Ausley
"B" L. Avera, Jr.
James D. Avery
James W. Ayers
Albert B. Ayres
Robert R. Babbin
Donald M. Babitz
Robert L. Baggett
Richard C. Bagley, Jr.
Larry L. Bagwell
Gene E. Bailey
Richard A. Bailey
Edgar M. Bair
Daryl E. Baker
George A. Baker III
Owen C. Baker
Joseph C. Baldwin
William R. Ball
Rolan E. Banks
Michael J. Barkovich
William H. Barnard
Weldon D. Barnes
James M. Barnhart
William C. Barnsley
Victor E. Barris
Arthur G. Bartel
Kent C. Bateman
William S. Bates

Ernest F. Baulch
Carroll G. Baumgardner
John W. Beach
James D. Beans
Donn C. Beatty
Rafael A. Becerra, Jr.
Peter S. Beck
Raymond A. Becker
Norbert J. Beckman
Ronald L. Beckwith
Cornelius F. Behan
Frank S. Bell
William D. Benjamin
David R. Bennett
Darrel T. Bergan
Eugene A. Berry
Herbert T. Berwald, Jr.
Donald C. Bickel
William V. Bicknel
Richard K. Biel
Richard A. Bishop
Wayne V. Bjork
Robert M. Black
George M. Blackburn
Robert C. Blackington, Jr.
Clay D. Blackwell
Dorwin D. Blair
Lynde D. Blair
James L. Blake
Ronald E. Blanchard
Robert D. Blanton
Daniel J. Blaul
John M. Bloodworth
Richard D. Bloomfield
Donald H. Bode
Lawrence G. Bohlen
James L. Bolton
William H. Bond, Jr.
Bruce R. Booher
Robert B. Booher
Terrence M. Bottesch
Sidney J. Boudreaux, Jr.
Jerry D. Boulton
Dennis R. Bowen
Jerry T. Bowlin
Edward H. Boyd
Curtis R. Brabec
James A. Bracken, Jr.
Robert L. Bradley
Richard G. Braun
Richard P. Brenan
Gene E. Brennan
Larry W. Bridges
Lawrence J. Briggs
Don A. Brigham
Robert C. Bright
Robert O. Broad, Jr.
James C. Brokaw
Donald D. Brooks
Howell H. Brooks III
Robert P. Brooks
William J. Brooks
George H. Brower
Charles W. Brown
Edward W. Brown III
Richard H. Brown
Desmond F. Browne
Randolph M. Browne III
Robert C. Bruce
Samuel P. Brutcher
John W. Bryant, Jr.
William C. Bryson, Jr.
John C. Buckley, Jr.
James F. Bugbee
Donald E. Bullard
Nicholas M. Bunch
John J. Burke, Jr.
Arthur E. Burkhart
Robert D. Burnette
Mervin J. Burns
John J. Burton
William A. Burtson
Marion G. Busby
Peter M. Busch
Walter M. Bush
John W. Butler
Joseph C. Byram, Jr.
Robert A. Cadwell
John J. Caldas, Jr.
Robert C. Caldwell
Dougal A. Cameron III
Hugh Cameron
James R. Campbell
Richard M. Camper
Charles E. Cannon
Robert L. Cantrell
Peter J. Canzano
Richard P. Capatosto
Robert F. Captor
Joseph J. Caputo
George L. Capwell, Jr.
Frederick R. Carew, Jr.
John D. Carlton
Robert T. Carney
Charles L. Carpenter, Jr.
Donald S. Carr
Frederic S. Carr, Jr.
Richard W. Carr
Edward P. Carroll
James T. Carroll, Jr.
John E. Carroll, Jr.
Charles R. Cason
James E. Cassity
Donald E. Cathcart
Christopher Catoe
James R. Caton
David A. Caylor
John G. Celli
Michael D. Cerreta, Jr.
Ross C. Chaimson
Charles W. Chain III
Burr T. Chambless
Jimmy C. Champlin
Howard Chapin
Harlan P. Chapman
John F. Charles
Carl R. Chelius
Richard F. Chenault
Robert S. Chereson
Ronald P. Cherubini
James J. Chmelik
Howard A. Christy
Walter T. Chwatek
Fred L. Cisewski
Richard J. Cisewski
Charles H. Ciuba
Joseph R. Civelli
Edward E. Clanton
Arthur B. Clark
Dale H. Clark
Dan W. Clark
George Clark
Edward J. Clarkson
Darcy L. Clasen
David M. Clauretie
Alfred I. Clayes, Jr.
Robert E. Cleveland
Paul N. Cloutier
James S. Coale
Thaddeus S. Coates
Robert C. Cockell
Joseph F. Cody, Jr.
John C. Coffin
Barry S. Colassard
David D. Colcombe
Paul M. Cole
Billy D. Collins
Carl G. Collins
Garrett L. Collins
Harry Collins II
Michael E. Collins
Patrick G. Collins
Walter N. Collison, Jr.
Loyal D. Combs
Anthony T. Common
James L. Compton
Donald B. Conaty
Edward A. Condon, Jr.
Fred "J" Cone
Charles K. Conley
Richard P. Connolly
Jeremiah P. Connors
Thomas F. Conway
Donald G. Cook
Ernest T. Cook, Jr.
Harlan C. Cooper, Jr.
James L. Cooper
John G. Cooper
Wade H. Cooper
Lawrence P. Corbett, Jr.
Roy G. Corbett
William R. Correll, Jr.
William L. Costley, Jr.
James G. Cowart, Jr.
John M. Coykendall
Robert A. Crabtree
James A. Craige
Ervin "J" Crampton
James O. Cranford
John D. Crawford
Frank R. Criger
Forrest W. Crone
Timothy J. Cronin, Jr.
Charles L. Cronkrite
Logan A. Crouch
Donald F. Crowe
Dempsey B. Crudup
Frank Cruz, Jr.
George W. Cumpston
James L. Cunningham
John F. Cunningham
James R. Curl
John R. Curnutt
Christopher J. Curran, Jr.
Edward W. Cuthbert
John J. Czerwinski
Robert F. Daas
Martin J. Dahlquist
John R. Dailey
Donald W. Dane
Robert D. Dasch
Edward E. Dauster
Ronald K. Davia
James U. Davidson
Gary A. Davis
Jay "M" Davis, Jr.
William C. Davis
William G. Davis
Hollis E. Davison
William O. Day
Roger E. Deitrick
John F. Delaney
Pasquale W. De Martino
Carmine W. De Pietro
John Dermody
Larry D. Derryberry
Christian J. Dettle
Henry C. Dewey
Harold J. Diflore
John H. Ditto
Charles A. Dixon
James G. Dixon
William C. Doerner
John J. Dolan
Thomas C. Dolson
Tom R. Doman
John B. Donovan, Jr.
Walter J. Donovan, Jr.
Edwin J. Doran
Robert R. Doran
Richard T. Douglas
Edmund H. Dowling
David E. Downing
Glenn H. Downing
Charles M. Doyle
William B. Draper, Jr.
William Drebushenko
Bruce W. Driscoll
Ronald S. Drost
Michael C. Drury
Ralph M. Dryden, Jr.
Carl H. Dubac
Patrick E. Duffy
Thomas K. Duffy
Peter T. Duggan
Jon T. Easley
Ray F. Eastin
John L. Eddy
Allen R. Edens
Fred L. Edwards, Jr.
Robert F. Eggers
Wallace H. Ekholm, Jr.
Franklin P. Eller, Jr.
Gerald L. Ellis
George V. Ellison
Leo R. Elwell, Jr.
John P. English
Bernon R. Erickson
Robert K. Ervi
Richard H. Esau, Jr.
Daniel C. Escalera
John A. Eskam
Charles S. Esterline
William R. Etter
John S. Evans
Kenneth B. Evans
Henry D. Fagerskog
Leonard W. Fahrni
Edward J. Fairbanks
James F. Farber
Gerald D. Fassler
Rudolph F. Faust, Jr.
Alex E. Fazekas
James E. Felker
Harris J. Fennell
Warren A. Ferdinand
Roger A. Fetterly
William G. Ficere, Jr.
Mervin A. Fiel
Arthur P. Finlon
Robert C. Finn
Vernon E. Firnstahl
Robert L. Fischer
Albert T. Fisher
Wilfred S. Fisher
William D. Fitts III
Dennis C. Fitzgerald
Herbert M. Fix
Raymond J. Flannery, Jr.
Pasquale J. Florio
William C. Floyd
John F. Flynn
William M. Foley
Pat D. Ford
Clarence D. Foreman
Robert L. Formanek
William J. Forristall
Edward T. Foster
Joseph G. Foti
Stephen R. Foulger
Marcus T. Fountain, Jr.
George R. Frank, Jr.
Carroll R. Franklin
Ray "M" Franklin
James H. Fraser
Paul E. Fraser, Jr.
Joseph A. Frasier, III
Charles H. Frazier, Jr.
Ronald D. Fredericks
Bobby H. Freeman
Larry W. Freeman
Robert A. Freeman
John D. Friske
Robert A. Fritzler
Robert E. Frost
Allen L. Frucci
Laurence S. Fry
Ray A. Fugate
Victor J. Fulladosa
Laurence R. Gaboury
John A. Gagen
Lloyd E. Gailey
Pat S. Galligan
Henry R. Gannan, Jr.
Dominick R. Gannon
Robert E. Garcia
Benjamin W. Gardner
George L. Gardner
Grady V. Gardner
John H. Gary, III
Harry H. Gast, Jr.
James I. Gatliff
James R. Gentry
William R. Gentry
Gerald W. Geraghty, Jr.
Charles G. Gerard
Barker P. Germagian
James A. Getchell
Alan C. Getz
Umberto Giannelli, Jr.
Hal J. Gibson
Hendrik A. Gideonse
Leo A. Gildersleeve
Richard E. Gleason
Charles D. Goddard
Philip T. Goetz
Robert K. Goforth
Robert F. Goins
Thomas A. Goldsborough
Robert L. Gondek
Joe L. Goodwin
James T. Gordon
Robert F. Gore
Gary R. Grant
Wallace M. Greene III
Donnie M. Griffay
William J. Griggs, Jr.
Billy M. Grimes
Esta D. Grissom
Henry O. Grooms
George H. Grossfuss
Gerard G. Guenther
Joseph T. Guggino
Roy M. Gulick, Jr.
Richard A. Gustafson
James T. Hagan III
Richard A. Hageman
Robert L. Hagener
Donald D. Hall
Robert C. Hall
George S. Hamilton
William L. Hammack
George L. Hammond
Charles T. Hampton
Thomas W. Hancock, Jr.
Don K. Hanna
Jack F. Hansston
Gerald E. Harbison
William W. Harding, Jr.
Garry Harlan
Milton D. Harnden
Richard O. Harper
Gene B. Harrison
Jerry M. Harrison
Kenneth P. Harrison
George R. Hart
John Hart III
Robert W. Hart, Jr.
James H. Harte III
Joseph E. Harvin, Jr.
Donald J. Hatch
William W. Hatch
Charles D. Hatfield
Graydon D. Hauff
Hans S. Haupt
Thomas W. Haven
Richard W. Hawthorne
Charles H. Hayes
Jackye W. Hayes
Ronald E. Heald
David Y. Healy
Franklin H. Heins
Karl R. Heiser
Charles C. Hejde
John A. Hellriegel
Samuel H. Helms
Donald W. Henderson
John W. Henry, Jr.
Norman E. Henry
Richard T. Henry
Charles E. Hester
William T. Hewes
John M. Hey
Robert A. Hickethier
Donald L. Hicks
Jimmie A. Hicks
Irvin C. Hill
David R. Hines
Joseph P. Hoar
Victor E. Hobbs
Gregory G. Hoen
Richard C. Hoffman
Walter H. Hofheinz
Jon D. Hollabaugh
Eugene A. Homer, Jr.
John I. Hopkins
John T. Hopkins, Jr.
William H. Horner, Jr.
Malcolm T. Hornsby, Jr.
Samuel M. Horton
Gerald R. Houchin
Charles H. Houder, Jr.
Fredrick J. Houle, Jr.
Thomas C. Houston
Medford W. Howard, Jr.
Thad A. Hoyer
Anthony C. Huebner
Emmett S. Huff, Jr.
William H. Huffcut II
Donald R. Huffman
Laurice M. Hughes
Richard D. Hughes
Virgil R. Hughes
William S. Humbert III
Harry A. Hunt, Jr.
Richard V. Hunt
Theodore E. Hunt
Harold L. Hunter
Harold V. Huston
Ralph S. Huston
Richard C. Hyatt
Larry T. Ingels
Angelo M. Inglisa
Charles E. Irwin, Jr.
William R. Irwin
Henry C. Ivy, Jr.
Donald E. Jackett
Glenn G. Jacks
Howard D. Jackson
Donald E. Jacobsen
Eugene S. Jaczko, Jr.
James D. Jahn
Gerald D. James
Joseph L. James
Robert L. James
Peter F. Janss
Walter M. Jastrzemski
Stephen J. Jennings
Duane S. Jensen
David E. Jersey
William B. Jessup
David D. Johns
Bruce W. Johnson
Gerald L. Johnson
Gunnar A. Johnson
Keller F. Johnson, Jr.
Lester E. Johnson
Ralph K. Johnson
Richard R. Johnson
Robert C. Johnson
Sven A. Johnson
Ward B. Johnson, Jr.
William A. Johnson
Carl B. Johnston
Gordon R. Johnston
Arthur L. Jones III
Duncan H. Jones
George E. Jones
Stanley E. Jones
Richard A. Joralmon
Robert M. Jordan
Jim R. Joy
Carl W. Kachauskas
Billy J. Kahler
Orville R. Kartchner
Arthur C. Katen
Francis M. Kauffman
Larry A. Kaufman
Ronald J. Kaye
John F. Keane, Jr.
Jesse N. Keathley
John M. Keenan
Charles R. Keith
Philip S. Kelley, Jr.
Robert D. Kelley
Francis J. Kelly
Leo J. Kelly
Michael J. Kelly
Gerald G. Kemp
Donald E. Kent
William L. Kent
Richard J. Kenworthy
Kevin P. Keough

Hugh T. Kerr
Paul C. Kerwin
Christian F. Kiene
Philip J. Kieselbach
David W. Kinard
Robert D. King
Donald E. Kirby
Kenneth E. Kitchens
James P. Kizer
Cloyd H. Klingensmith
James V. Knapp
Charles E. Knettles
Frank P. Knight
Howard E. Knight, Jr.
James R. Knight
Joseph B. Knotts
George A. Knudson
Hubert Kohnen
Raymond M. Kostesky
Edwin S. Kowalczyk
Donald A. Kozischek
Walter J. Krauss, Jr.
John F. Krebs
John M. Kretsinger
Richard S. Krolak
Ronald G. Kropp
James M. Kruthers
Zane V. Lamascus
John P. Landis
Robert F. Lang
Kenneth W. Langford
Thomas J. Lapham
Neil M. Larimer II
Guy L. Larkin
Ralph L. Lary, Jr.
Lee T. Lasseter
Emanuel S. Lawbaugh, Jr.
Robert L. Lawrence
Herbert F. Lawson, Jr.
Phillip B. Layman
Don L. Leach, Jr.
George H. Leach
Timothy B. Lecky
Willis D. Ledeboer
Jerry W. Ledin
Alex Lee
Howard V. Lee
Pierre L. Le Fevre
John B. Legge
David J. Leighton
Douglas W. Lemon
William H. Leonard
George T. Leonhardt, Jr.
Paul F. Lessard
Russell E. Leva
Robert L. Le Van
Dale E. Lewis
Floyd C. Lewis
Franklin J. Lewis
Arthur J. Liedel
John M. Lilla
Jerry D. Lindauer
John A. Linnemann
Charles M. Lively
Perry T. Llewellyn
Russell Lloyd, Jr.
Frederick A. Locke
John E. Lockie
Robert H. Lockwood
Edward H. Loney
Howard L. Long
William H. Long
Edmund P. Looney, Jr.
Arthur P. Loring, Jr.
William J. Lottman
Thomas P. Lougheed
Joseph M. Loughran, Jr.
Bill G. Lowrey
James L. Ludlow
Darwin D. Lundberg
Morris W. Lutes
Jarvis D. Lynch, Jr.
Thomas K. Lynch
Chester V. Lynn, Jr.
David R. Mabry
Alan C. MacAulay
Benjamin E. Macha
William W. Mackey
Howard D. Maines, Jr.
Harrison A. Makeever
Elliot F. Mann
William J. P. Mannix
Charles L. Manwarring
Joseph P. Marada
James W. Marks
Roy M. Marks
Harry T. Marren
John O. Marsh
David W. Martell
Bruce A. Martin
Delbert M. Martin
Joel A. Martin
John A. Martin
Raymond H. Martin
Robert J. Martin
Frank W. Martino
Jerry W. Marvel
Donald G. Mason
Robert B. Mason
James E. Masters
James D. Mattingly
Josephus L. Mavretic
Harold J. Maxwell
John T. Maxwell, Jr.
Jacob T. May
Carlos K. McAfee
Donald J. McCarthy
Patrick J. McCarthy
James A. McCarty
James J. McCoart, Jr.
James N. McCraner
Ronald B. McCrindle
John W. McCullough
Clarence E. McDaniel
Michael R. McDonough
Leroy D. McDorman, Jr.
Thomas G. McFarland, Jr.
Richard J. McGan
James M. McGarvey
William A. McGaw, Jr.
James A. McGinn
Garnett McGrady
William J. McGrath
John B. McIlhenny
Jimmy B. McInroe
David S. McIntyre
William E. McKenna, Jr.
George D. McLaughlin, Jr.
Charles C. McClennan
Bernard McMahon
James L. McManaway
William J. McManus
Harold R. McSweeney
James P. McWilliams, Jr.
James M. Mead
Howard W. Meissner
George V. Memmer
Ronald E. Merrihew
Richard O. Merritt
Donald J. Meskan
Larry K. Michael
William C. Miesch
Donald D. Mikkelson
Donald E. P. Miller
Donald R. Miller
Harl J. Miller
Huey P. L. Miller
James A. Miller
James K. Miller
John G. Miller
Justus K. Miller
Neil P. Miller
Ralph D. Miller
Robert C. Miller
Kenneth P. Millice, Jr.
James F. Milligan
Robert F. Milligan
Jack G. Mills
Donald E. Milone
Edward G. Milone
Robert G. Mitchell
Joseph G. Mixson
Edward M. Mockler
Robert J. Modrzejewski
Frederick J. Moe
John P. Monahan
Jack P. Monroe, Jr.
Brian D. Moore
David J. Moore
Julian A. Moore, Jr.
Royal N. Moore, Jr.
Harvey J. Morgan
Richard J. Morley
John A. Morra
Calvin M. Morris
Donald L. Morris
John B. Morris
McLendon G. Morris
John C. Morrison
Robert T. Motherway
Fred H. Mount
Lawrence R. Moyer
Robert D. Mulcahy
Daniel E. Mullally, Jr.
Frank C. Mullen, Jr.
William F. Mullen
Michael J. Mulrooney
Carl E. Mundy, Jr.
David H. Murch
Douglas G. Murphy
Gerald P. Murphy
Walter M. Murphy
James W. Murray
John D. Murray
Ronald L. Murray
James B. Murtland III
Louis T. Nappi
George D. Navadel
Robert G. Neal, Jr.
Harold M. Nelson
Marvin R. Nelson
Clarence T. Newkirk
Carl W. Newton
Haril W. Newton
Lloyd B. Nice
Bobby J. Nichols
Donald L. Nichols
Daniel F. M. Nielsen, Jr.
Joe B. Noble
James M. Nolan
John L. Nolan
Richard A. Noll
Wayne F. Nordell
Ronald E. Norman
Daniel M. Notine
Carl R. Noyes
Arthur H. Nussel
Charles W. Oaks
Richard H. Oates
Richard J. O'Brien
Richard V. O'Brien, Jr.
Robert L. O'Brien
David E. Obuhanych
Joseph P. O'Bymachow
Martin E. O'Connor
Jerry D. Oden
David L. Odom
John W. O'Donnell
Don J. Ogden
John S. Oldham
Nelson M. Olf
Curtis W. Olson
Glenn A. Olson
Robert M. Ondrick
Robert P. O'Neal
Ralph B. Orey
James W. Orr
Eugene L. Osmondson
Richard C. Ossenfort
Patrick E. O'Toole
Robert F. Ott
Robert F. Overmyer
Ronald L. Owen
Jack C. Owens
Fred Owlett
John J. Paganelli
Dorsie D. Page, Jr.
James E. Page
Homer R. Palmateer
Billy J. Palmer
Carroll A. Palmore
Jimmy L. Pappas
Ralph K. Park
John B. Parker
William K. Parker
Ronald H. Patterson, Jr.
Donald C. Pauley
Richard J. Pederson
Edward R. Perron
Clarence R. Perry
Raymond F. Perry
James M. Perryman, Jr.
William P. Peters
George E. Peterson
Jerry D. Peterson
Lee A. Peterson
Robert L. Peterson
Roy Peterson
William P. Peterson
William M. Pettigrew III
"J" "W" Phelps
Lamar V. Phillips
Reed Phillips, Jr.
Robert A. Phillips, Jr.
Robert H. Philon
James M. Pierce
Bruce A. Pifel
John L. Pipa
Earl S. Piper, Jr.
Antonio F. Piracci
David M. Pirnie
Albert Pitt
Ross S. Plasterer
James A. Poland
Richard T. Poore
Gary L. Poorman
Earle G. Poronto
Charles R. Porter
Robert R. Porter
Ferrell F. Powell, Jr.
John Powers
John B. Pozza
Lee A. Preble
William G. Price
Louis C. Pritchett
Joseph F. Prochaska
Thomas J. Prosch
George C. Psaros
Jack H. Pulcheon
Frederick E. Pyeatt III
Richard S. Pyne
Theodore M. Quinlan
Robert N. Rackham
John T. Radich
Charles G. Rahm, Jr.
Henry R. Raines
Donald R. Raiselis
Cornelius H. Ram
David A. Ramsey
David R. Ramzel
Jesse T. Randall
John T. Rapp
David L. Rathbone
Harold D. Read
William T. Read
Werner F. Rebstock
Carl A. Reckewell
William P. Redding, Jr.
Ralph L. Reed
Robert W. Reed
John A. Reese, Jr.
Michael P. Reeves
Frank C. Regan, Jr.
James K. Reilly
William J. Reilly, Jr.
Joseph E. Revell
Angus S. Reynolds, Jr.
James C. Reynolds
James L. Rhodes
James F. Rice
Thomas W. Rich, Jr.
Ronald G. Richardson
Paul E. Ridge
Reginald H. Ridgely III
Bruce A. Ridill
William H. Ridings
Richard J. Rigg
David S. Rilling
Benny D. Rinehart
Hermon J. Rivella
James L. Roach
Stanton H. Roberts, Jr.
Olin J. Robertson
Richard S. Robertson
George N. Robillard, Jr.
Frederick J. Robinson
Larry W. Robinson
Robert T. Roche
William J. Rodenbach
Henry W. Roder
John A. Rogers II
Robert P. Rogers
Donald J. Roman
Geoffrey H. Root
David L. Ross
James W. Ross
Richard D. Ross
William B. Rourke, Jr.
Paul E. Roush
Frederick J. Rowland
Joseph D. Ruane
Donald R. Ruggles
Julius M. Rule III
Eugene B. Russell
Barry P. Rust
Colin J. Ruthven
Bobby G. Rutledge
Herbert F. Saeger
Edwin Sahaydak
Francisco U. Salas
Peter N. Samaras
Conrad J. Samuelsen
James W Sanders
Joe P. Sanders
Louis G. Sasso
Ray J. Savage
Dicky A. Saye
Davis Sayes
James R. Scafe
Donald E. Schaet
William J. Scheuren
James M. Schmidt
Philip M. Schmidt
Lawrence A. Schneider
John E. Schoon
Robert D. Schreiber
James E. Schulken
Jack T. Schultz
Joseph P. Schultz
James A. Schumacher
Robert H. Schuppe
John A. Schuyler
Marvin E. Schwaninger
Frank Scialdone, Jr.
Leo J. Scolforo, Jr.
Roger F. Scott, Jr.
Charles J. Seals, Jr.
Henry L. Searle
Donald R. Seay
Richard J. Seed III
Wiley J. Sellers
John P. Senik
Kenneth F. Seymour
Robert L. Sfreddo
Roger L. Shafer
Paul J. Shank, Jr.
Danny A. Sharr
Glenn J. Shaver, Jr.
Phillip E. Shaw
Robert W. Shaw
John M. Shay
William S. Shea
William L. Shearer
James L. Shelton
Jerry L. Shelton
John J. Sheridan
Michael K. Sheridan
Robert F. Sheridan
Richard T. Shigley
James S. Shillinglaw
Gordon E. Shockley
Harry R. Shortt
William J. Shriner
William D. Shuman
Wiliam P. Shunkey, Jr.
Lionel V. Silva
Colben K. Sime, Jr.
Roger E. Simmons
Clyde C. Simon
Francis Simon
Raymond L. Simonsen
Patrick S. Simpson
Robert N. Simpson
Frederick E. Sisley
Richard J. Skelton
Barry F. Skinner
James L. Skinner
John P. Slater
Jon M. Slocum
Phillip G. Slough
John Smallman
Joseph J. Smartz
Gareth W. Smeltzer
Ellis F. Smith
Jack P. Smith
James T. Smith
Karl S. Smith
Norman H. Smith
Robert W. Smith
Rodgers T. Smith
William D. Smith
William W. Smith
George W. Smyth, Jr.
John H. Snyder
Keith E. Soesbe
John M. Solan
Vito M. Solazzo
Carl Solomonson, Jr.
Allen H. Somers
Robert P. Spaete
Donald R. Sparks
Early W. Spiars
Roger A. Splean
Richard T. Spooner
Gaetano F. Squillace
Richard H. Stableford
Bobby G. Stanton
Robert M. Stauffer
James J. St. Clair
Orlo K. Steele
Victor D. Steele
Richard G. Steffey
Michael E. Stein
Hardy R. Stennis
William D. Stephani
Charles E. Stevens
Richard W. Stevens
Douglas P. Stewart
Michael R. Stiavelli
Joseph F. Stine
Patrick R. Stingley
Edward E. Stith
Robert E. Stoffey
Burl V. Stonum
Doyle E. Stout
Walter L. Strain
Gordon D. Strand
George J. Stremlow
Herbert F. Stroman
Robert D. Stuckey
Jon A. Stuebe
Thomas A. Stumpf
Donald E. Sudduth
Louis W. Sullivan
Michael P. Sullivan
Billy M. Summerlin
Verl D. Sutton
"M" R. Svec
James E. Swab
Robert E. Swartwood, Jr.

James R. Sweeney
Merrill A. Sweitzer, Jr.
Carter P. Swenson
Leonard J. Szafranski, Jr.
James S. Tardy
Robert C. Tashjian
Charles H. Taylor, Jr.
Charles W. Taylor
George H. Taylor III
Madison L. Taylor
Ralph L. Taylor, Jr.
Richard B. Taylor
Bernard R. Terhorst
John J. Tharp
Robert L. Thien
Bernard H. Thomas
Arthur B. Thompson, Jr.
Daryl W. Thompson
Jack C. Thompson
Jerry R. Thompson
Milton S. Thompson
Wayne D. Thompson
Joseph C. Thorp
Robert B. Throm
William H. Tiernan
Russell B. Tiffany
William J. Tirschfield
John M. Tivnan
Theodore J. Toben, Jr.
Albert E. Toler
Frederic L. Tolleson
Robert W. Topping
Edward F. Townley, Jr.
David C. Townsend
James B. Townsend
Everett P. Trader, Jr.
Earl G. Trapp
Russell P. Treadwell
Jerome P. Trehy
Paul A. Tremblay
Charles S. Tubbs
G. B. Tucker
Everett L. Tunget
Terry Turner
James H. Tutterrow
John T. Tyler
Thomas H. Ullom
Richard H. Ulm
Alfred L. Vail
Harry C. Valentine, Jr.
Mario S. Valentini
Jan H. Van Gorder
George R. Van Horn
Neil R. Vanleeuwen
John Van Nortwick III
Fredric J. Vanous
Richard S. Varney
Vincent A. Vernay
Robert E. Vigal
John W. Viglione
Peter J. Vogel
John S. Vogt
Wilson A. Voigt
Hermann E. F. Von Carp, Jr.
William R. Von Harten
Norman H. Vreeland
Michael G. Wadsworth
Paul H. Wagener
Leonard C. Waibel
Haines D. Waite
Jack D. Waldo
Caleb N. Wall
Lorin C. Wallace, Jr.
Edward H. Walsh
Gerald E. Walsh
John F. Walsh
John V. Walsh
Robert L. Walsh
William H. Walters
Larry N. Ward
Harry R. Warfield
George F. Warren
William C. Warren, Jr.
Joel Washington
Mark H. Waterbury III
Kenneth D. Waters
David C. Watkins
Jac D. Watson
John L. Watson
John D. Way
Leland O. Waymire
Richard J. Webb
John F. Weeks
Frank V. Weller
Stuart L. Weinerth, Jr.
Charles "J" Weir
Harry E. Wells
George H. Welsh
Michael F. Welty
Charles M. Welzant
William J. Wescott
Paul B. Westmiller
Marvin A. Westphal
William M. Whaley
Eugene L. Wheeler
Thomas M. Wheeler
Vincent M. Whelan
Lawrence A. Whipple
Graig A. White
Francis V. White, Jr.
Kenneth H. White
Fred T. Whitman
Frank H. Whitton
Richard A. Widdows
William W. Widener
Rober "J" Wiedemann
Eric H. Wieler
Daniel E. Wight, Jr.
Raymond F. Wiley, Jr.
Larry R. Williams
William B. Williams
John C. Williamson
Wayne M. Wills
Donald D. Wilson
Dwayne E. T. Wilson
James C. Wilson
Jerry W. Wilson
Charles A. Wimmler
James M. Winberg
Robert J. Winglass
Walter M. Winoski
Robert J. Wolfenden
Billy D. Womack
Bruce P. Wood
Donald L. Wright
George P. Wuerch
Joseph B. Wuertz
John R. Wuthrich
Neil E. Wynant
Charles E. Yates
Merritt G. Yeager
Richard C. Yezzi
David L. Young
Martin V. Young, Jr.
Alvin M. Younger
Alfred Zeikus
Jack R. Zellich
Lewis J. Zilka
Vladimir H. Bacik
James W. Bridges
John M. Dye
Gary E. Elliott
Walter F. Flato
John P. Fox
Charles J. Good, Jr.
James E. Hayes
Joe P. Joiner
John H. Keegan
William G. Kilbreth
Clyde E. Lane
Thomas G. Leach
Bruce D. Luedke
Lawrence A. Marshall
Martin T. Nicander
Francis T. O'Connor
Arthur S. Piper
Bruce E. Townsend

HOUSE OF REPRESENTATIVES

MONDAY, SEPTEMBER 12, 1966

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore (Mr. BOGGS).

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOM,
September 12, 1966.

I hereby designate the Honorable HALE BOGGS to act as Speaker pro tempore today.

JOHN W. MCCORMACK.

PRAYER

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Give ear to my prayer, O God; and hide not Thyself from my supplication.—Psalm 55: 1.

Our Father God, whose love is from everlasting to everlasting and whose truth endureth forever, we pause in Thy presence with bowed heads, lifting our spirits unto Thee—unto whom all hearts are open, all desires known, and from whom no secrets are hid. Cleanse Thou the thoughts of our hearts by the inspiration of Thy holy spirit that we may love Thee more perfectly, do Thy will more confidently, and serve Thee and our Nation more faithfully.

We come disturbed by the troubles of our time, burdened by the weight of worry, and distressed by our inability to do what we ought to do. We pray for our Nation and for our world and for ourselves that we may increase the spirit of good will and thus be a part of the solution and not a part of the problem that confronts us. Give us the courage to carry on knowing that in Thee we find strength for each task. In the name of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 8, 1966, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 6686. An act to amend the Civil Service Retirement Act in order to correct an inequity in the application of such act with respect to the U.S. Botanic Garden, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5392. An act to terminate the existence of the Indian Claims Commission, and for other purposes; and

H.R. 9323. An act to amend the law establishing the Indian revolving loan fund.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 3051. An act granting the consent of Congress to the compact between Missouri and Kansas creating the Kansas City Area Transportation District and the Kansas City Area Transportation Authority.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3625. An act to designate the dam being constructed on the Allegheny River, Pa., as the "Kinzua Dam," and the lake to be formed by such dam in Pennsylvania and New York as the "Allegheny Reservoir."

THE LATE C. E. WOOLMAN

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WILLIAMS. Mr. Speaker, early yesterday morning, the hand of death wrote the final chapter to one of America's most fabulous success stories when it claimed the life of Mr. Collett Everman Woolman, president and founder of Delta Air Lines.

I knew Mr. Woolman as a warm and fine friend, as he had been a friend to many of my colleagues in this body and in the other body. To those of us who knew him as a friend, his passing is a personal loss, but to the thousands of people who work and fly for Delta, to the aviation community, and to the southeastern area of this Nation, in particular, the impact of his passing has created a void that cannot soon be filled.

We shall always be grateful for the tremendous contribution that has been made to the economic progress and development of our area by Delta through the efforts of Mr. Woolman.

His aviation career was usually described as spanning the era of jennys to jets. After serving as a county agricultural agent and managing a 7,000-acre plantation in Louisiana, he founded the world's first crop dusting firm in 1925 to combat the boll weevil that threatened to destroy the South's cotton economy. Four years later Mr. Woolman inaugurated passenger service on the airline. The company developed into the fifth largest domestic and the world's seventh largest airline with headquarters in Atlanta.

He was the only operating airline executive who saw his carrier introduce three different commercial jetliners—the Douglas DC-8, Convair 380, and the Douglas DC-9 passenger jets. Next Wednesday he would have seen Delta become the first domestic airline to fly the famed Lockheed Hercules all-cargo plane.