rights leaders—young firebrands like Stokely Carmichael, of the Student Nonviolent Coordinating Committee.

Stokely Carmichael, you will recall, was recently arrested in Atlanta for allegedly inciting a riot involving one thousand persons in this city known far and wide for its racial moderation, in which riots the mayor, who is a champion of Negro rights, was knocked to the ground while attempting to calm the crowd. The police chief of Atlanta stated, and I think many would agree with him, that the Student Nonviolent Coordinating Committee ought now to be called the "Nonstudent Violence Committee." And this, of course, is under the influence of its new leader, Stokely Carmichael, or Floyd McKissick of the Congress of Racial Equality.

I wonder just how many Negroes are listening to Carmichael? He has put the matter of "black power" very simply for his followers: "Negroes certainly see that this is the richest country in the world and they want to share in the wealth, and the feeling, whether or not the white press likes this, whether or not the white Liberals like it, is that if Negroes cannot enjoy part of that dream they are going to burn the country down." Carmichael said that, by the way, in an interview in the National Guardian, the leading Marxist journal in this country.

At a news conference here in Washington, D.C., Stokely Carmichael was asked if "black power" was based on non-violence. He answered the question with a question. "Can you have power without violence?" And at CORE's annual convention this past summer, its new head, Floyd McKissick, stated: "Non-violence in this country may be Christian but it is un-American." I ask you, can anything be more warped or distorted than to say that non-violence is un-American? Can anything be more calculated to incite and encourage violence?

Dean MANION. I can't imagine a more inflammatory statement than the one you just quoted.

Congressman BUCHANAN. What a tragedy it would be if millions of good, law-abiding people should be hurt by a willful band of young extremists who are unwilling to listen to older, wiser heads and to learn from the textbook of history. Goodwill, progress and understanding have now been placed in jeopardy because a small number of extremists and militants are accepting the help and assistance of anybody, including Communists, and are advocating any means, including violence.

It is to prevent this tragedy, it is to bring about the full proof about extremists and subversives in civil rights, it is to prevent more and more riots and violence that I will continue to press for a Congressional investigation of Communist and extremist influence in the civil rights movement in America. Nor just for the sake of a movement but for the good of the Nation.

Dean MANION. Thank you Congressman JOHN H. BUCHANAN, of Alabama. I think we should have this Congressional investigation that you propose. It just might disclose that we are fighting our anti-Communist war on two bloody and destructive fronts; one in Viet Nam, the other in the streets of our big cities. If this is so, the American people had better know it now—before it's too late!

SENATE

SATURDAY, OCTOBER 8, 1966

The Senate met at 9 o'clock a.m., and was called to order by Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 8, 1966.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. BYRD of Virginia thereupon took the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate is now adjourned.

ADJOURNMENT TO MONDAY

Thereupon (at 9 o'clock and 21 seconds a.m.) the Senate adjourned, under the order of Friday, October 7, 1966, until Monday, October 10, 1966, at 12 o'clock meridian.

SENATE

MONDAY, OCTOBER 10, 1966

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

Dean L. Harold DeWolf, Wesley Theological Seminary, Washington, D.C., offered the following prayer:

"Lord God of Hosts, be with us yet, Lest we forget."

Lest we forget that Thou art ever judge and sovereign over us, make us aware of Thy presence here today.

Make our hearts sensitive to Thy children's needs, lest we forget the great host trembling in the weakness of hunger and disease; lest we forget the ever-swelling numbers of Thy children bereaved, wounded, impoverished, and numbed by fear in a brutal and seemingly endless war; lest we forget the millions in other lands enslaved by tyranny and the thousands hauntingly near on whom the full light of liberty and self-government has not dawned.

In the pressures and irritations of the day, and in the accomplishment of small goods, O God, be with us yet, lest we forget to hold Thee in awe and to perform yet nobler deeds proportionate to Thy children's appalling need and to Thy sublime mercy. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, October 7, and Saturday, October 8, 1966, was dispensed with.

HIGHER EDUCATION AMENDMENTS OF 1966

The Senate resumed the consideration of the bill (H.R. 14644) to amend the Higher Education Facilities Act of 1963, to extend it for 3 years and for other purposes.

The VICE PRESIDENT. According to the previous unanimous-consent agreement, all time between now and 1 o'clock is to be evenly divided between the Senator from Oregon [Mr. MORSE] and the Senator from Georgia [Mr. RUSSELL].

Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, the time to be equally charged to both sides.

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

The Chief Clerk proceeded to call the roll.

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

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

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

Mr. President, I wish to say to the Senate that I think we all know this issue well. It is a simple issue: whether or not we are willing to vote in the Senate, as we have voted six times in the past, to give more than 800,000 people in the District of Columbia the right of self-government, a right that has been denied them. This denial is a great blot on this country, in that we sit here, as a Congress, with the power to emancipate these people, in the sense that we can give them the right to vote. This right is long overdue.

Mr. President, my remarks in connection with the cloture petition before the Senate will be very brief. In fact, my remarks were really written for me by the editors of the Washington Post—I am sure unwittingly on their part. They have written an editorial this morning which, in my judgment, cannot be improved upon by any use of the King's English by any proponent of home rule. Therefore, I propose to make that editorial my major speech in support of the adoption of the cloture petition. The editorial, which is entitled "A Chance for Home Rule," reads:

The decision taken by the Senate leadership to seek cloture against a filibuster aimed at the home rule rider which Senator MORSE has attached to the Higher Education bill affords a fresh glimmer of hope to the Americans living in the District of Columbia. A vote for cloture today will be a vote in the truest sense for home rule for the District—a vote for the elementary right of self-government.

The Senate has endorsed the principle of home rule for the District on so many past occasions that Washingtonians have every reason to hope it will do so once more. As for the House of Representatives, the Morse amendment will embody concessions designed

to overcome the misgivings which led moderate men committed to home rule in principle to reject the measure adopted by the Senate a year ago. Moreover, attached to the Higher Education Bill, it will bypass the obstructive House District Committee and have a fair chance of being sent favorably to the floor by the House Committee on Education and Labor.

Once more, then, on behalf of the people of Washington, we earnestly and respectfully petition the Representatives of 50 states in Congress assembled for a redress of grievances. The history of congressional government over the local affairs of Washington has been a history of repeated injuries and usurpations. To prove this let facts be submitted to a candid world:

The Congress has refused its Assent to Laws, the most wholesome and necessary for the public good.

It has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

It has so thwarted local initiative and a local sense of responsibility as to frustrate the solution of pressing local problems which can be dealt with effectively only through local leadership. Every vacancy occurring in the municipal government illustrates anew the impossibility of persuading men of high capacity to accept responsibility without the authority requisite to its fulfillment. Every urban problem besetting this community shows anew how insurmountable a barrier to its solution is posed by the absence of self-government.

Control over local affairs by men chosen to represent people who do not live here constitutes the very definition of despotism. It is a kind of control as alien to America as dictatorship itself. In petitioning Congress to relinquish this control, we appeal not alone to the congressional sense of justice but to congressional common sense as well. For despotism—the ruling of unrepresented men—is as destructive to those who impose it as to those who suffer under it. The solution of Washington's municipal problems presents a burden which the legislature of a great nation ought not to bear. Congress can free itself as it frees the people of this community.

Home rule for Washington is, perhaps, a faint hope now. But it is not, we trust, a forlorn hope. Every consideration of fairness and prudence argues for it. The petition of the people goes as well to the President, who labored so magnificently for home rule a year ago as to the Congress. Let him once again assert the great force of his leadership in behalf of the most basic tenet of democracy. And let the Congress, at long last, heed the plea of Americans for a recognition of their most elementary civil right.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. MORSE. I yield myself 2 additional minutes.

I know of nothing I could possibly say that could be more cogent and unanswerable than this great editorial in the Washington Post this morning.

Mr. President, I have placed on the desk of each Senator a letter which I think is a partial answer to the argument that is heard in the corridors and cloakrooms as to what would happen to my amendment if it reached the House of Representatives. All I can say, Mr. President, based upon the many conversations I have had with friends of mine in the House of Representatives with respect to that question, is that I am satisfied that it would be agreed to in the House Committee on Education and Labor. When it reaches the floor of the House of Representatives I am satisfied that it will pass by a substantial vote.

I have some evidence bearing upon that in a letter written to me dated October 7, 1966, a copy of which is on the desk of each Senator. The letter reads:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 7, 1966.

Hon. WAYNE L. MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: The undersigned Members of the House of Representatives, who are among the many advocates of the principle of self-government for the District of Columbia, would welcome the opportunity in the House to vote on the merits of a workable Home Rule proposal.

If the Senate adopts the Home Rule amendment to the Higher Education Act, we will do our utmost to secure its acceptance by the House.

We consider the procedure of sending this proposal to us as an amendment to a House bill to be justified by the refusal of the House Committee on the District of Columbia to agree to the Senate's request for a conference to reconcile the differences between the Home Rule bills passed by the House and the Senate.

Sincerely,

JOHN BRADEMAS; PHILLIP BURTON; SILVIO O. CONTE; WILLIAM D. FORD; DONALD M. FRASER; SAM GIBBONS; FRANK J. HORTON; CHARLES McC. MATHIAS, Jr.; PATSY T. MINK; CHARLES A. MOSHER; JAMES G. O'HARA; ADAM C. POWELL; HENRY S. REUSS; JAMES H. SCHEUER; RICHARD S. SCHWEIKER; CARLTON R. SICKLES; MORRIS K. UDALL; FRANK THOMPSON, Jr.

Mr. President, I am satisfied that the chances augur well for the passage of my amendment if it can reach the floor of the House of Representatives.

I hope that the Senate this afternoon will give it a chance to reach the floor of the Senate for final debate and for a vote on its merits.

Mr. President, I ask unanimous consent that several telegrams which I have received be printed in the RECORD.

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

WASHINGTON, D.C.,
October 9, 1966.

Hon. WAYNE MORSE,
U.S. Senate,
Suite 417,
Washington, D.C.

DEAR WAYNE: Just to tell you that our hearts and hopes are with you today. On the basis of the merits of our cause and your courageous leadership, we should succeed. But whether we win or lose, your inspiring effort has endeared you even more to the citizens of the District of Columbia.

Good luck and may God bless your efforts.

DICK LYON.

WEST LOS ANGELES, CALIF.,
October 9, 1966.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Entire membership urges prompt action to accord home rule to citizens of Washington, D.C.

FELLOWSHIP FOR SOCIAL JUSTICE.

WASHINGTON, D.C.,
October 9, 1966.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

The following is text of telegram sent to large group of Democratic and Republican Senators:

"Americans for Democratic Action strongly urges you to support cloture on Morse home rule amendment and then support amendment on final passage. In the 89th Congress the Senate has already approved home rule legislation 63–29. To obtain home rule Morse amendment is necessary because House District Committee refused to meet with Senate District Committee conferees to work out differences between Senate home rule bill and House charter board bill. Morse home rule amendment requires that Congress appropriate Federal share of District funds and provides for non-partisan elections. For District of Columbia residents the right to elect local public officials is a paramount and basic American right. It should neither be buried by the arrogance of the House District Committee nor should home rule be blocked by the Senate's failure to invoke cloture. Please do not allow 89th Congress to adjourn without enacting District of Columbia home rule. Respectfully urge you to support cloture petition and Morse home rule amendment."

DON EDWARDS,
National Chairman,
Americans for Democratic Action.

WASHINGTON, D.C.,
October 9, 1966.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

We thank you for your untiring support of home rule. Best wishes on Monday.

RICHARD YEO,
University Christian Movement in USA.

WASHINGTON, D.C.,
October 10, 1966.

WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

The District of Columbia Education Association, in keeping with the 1966 NEA resolution in support of D.C. home rule, urges you to vote for cloture on the debate on the Morse amendment to the higher education facilities act and to be present to vote for the home rule amendment and the act.

HARRIET F. DEMOND,
President,
District of Columbia Education Association.

WASHINGTON, *D.C.,*
October 7, 1966.

WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.:

Urge you to help bring full voting rights to a million voteless Americans by voting for the Morse home rule rider and against any motion to table it.

ARNOLD ARONSON,
Secretary.

WASHINGTON, D.C.,
October 6, 1966.

Hon. WAYNE MORSE,
Washington, D.C.:

We urge support of the Morse rider to the education bill to bring about home rule for the District of Columbia and oppose the tabling of such an amendment.

JOSEPH P. MOLONY,
Vice President and Chairman of Civil Rights Committee, United Steelworkers of America.

Mr. RUSSELL of Georgia. Mr. President, did I understand the Chair to say

that I had charge of the time in opposition?

The VICE PRESIDENT. The Senator is correct.

Mr. RUSSELL of Georgia. Mr. President, I yield myself 8 minutes.

Mr. President, before undertaking to deal at all with the merits of this issue, I wish to advert briefly to the remarkable and unprecedented parliamentary procedure which is involved in the pending vote. I say without fear of any contradiction, Mr. President, that never before in the history of the Senate has such short shrift been given to any parliamentary proposal, however insignificant or how important it might be.

We have here before us a proposition to invoke cloture or gag rule on the Senate of the United States on an amendment that has not been debated at all prior to the filing of the amendment except by the sponsor of the amendment.

I have read the RECORD of last Friday. Mr. President, the distinguished Senator from Oregon [Mr. MORSE] debated the merits of his amendment. He took time by the forelock to debate his amendment before filing it. He then offered his amendment and the petition to gag the Senate was immediately filed by the majority leader.

Mr. President, I assert that if the Senate has any respect whatever for its reputation as a legislative body, not to speak of a deliberative body, it cannot impose cloture or gag rule on the Senate under these circumstances.

We talk about the motion for the previous question in the other body and the fact that debate is often summarily shut off in the other body, but in the other body they permit some debate and hearing from advocates on both sides of the question before imposing the gag rule of the previous question. I know it is said you can speak for an hour after a cloture motion is filed but every Member of this body knows that as a matter of fact a cloture or gag motion overshadows all other parliamentary action and any arguments that may be made. The entire attention of the Senate is directed to the cloture motion.

I submit, Mr. President, that no piece of legislation is important enough to justify any such legislative lynching as is involved in filing a cloture motion before the adversaries of any proposition have had an opportunity to be heard.

There is another point that I wish to make here, and that is to condemn the attempt to confuse this issue, as has been done consistently of late, by involving it with the racial question. I have not been a fanatic on the subject of a local government in the Federal district though I have voted against it.

Years have gone by, but I came here 34 years ago believing that the Founding Fathers did not intend that the seat of the Federal Government should exercise all the powers of an ordinary city. I voted against home rule and I did it at a time when there were more than two white people in the District of Columbia for every colored person. No one raised a question of there being a racial issue involved. But now, in the Senate and to keep Senators from examining the merits of the question it is said if you vote against cloture, if you vote against what is called home rule, you are a racist and, therefore, you deny the Negro population of the District of Columbia the right to vote.

Mr. President, the Founding Fathers, when they decided to have a Federal area for the National Capital had a very definite purpose in mind. They went to a great deal of trouble in order to assure that it would be truly the seat of the National Government and that Government would be supreme.

If they had wished to locate the Capitol in a city where there would be a competitive or local form of government they were already in the great city of New York and could have stayed there. They had met in the city of Philadelphia. They could have returned there. When they were driven by mobs of frenzied servicemen from the city of Philadelphia they went to the city of Baltimore or Annapolis and they could have repaired to either city and created the Federal Government, but they wished to have an area that was wholly, totally, and completely dominated not by those staying in the Federal area either permanently or transiently, but to have it completely under the domination of the Federal Government.

For that reason the District of Columbia was established as the Federal area. The Federal area was established at considerable expense and after violent controversy that aroused bitter feelings in order to avoid any possible conflict between any local government and the Federal Government.

Mr. President, as I said, the same people who established the Federal area in some instances had been in the Congress when they were driven from Philadelphia by an irate mob of troops or exsoldiers.

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

Mr. RUSSELL of Georgia. I yield.

Mr. COTTON. Am I correct that if cloture is invoked there cannot be any amendment offered other than the amendment that was offered last Friday?

Mr. RUSSELL of Georgia. No amendment can be called up after cloture is imposed, unless it had been read before the gag vote. It has the effect of absolutely stifling any effort to bring to the attention of the Senate any defect in the District government amendment—the ponderous document on your desk.

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

Mr. RUSSELL of Georgia. I yield.

Mr. HICKENLOOPER. Mr. President, I do not intend to discuss the merits or demerits at the moment of home rule for Washington.

I think under the circumstances it would be a mistake. I shall vote against home rule, as far as my position is concerned. That is not the point I am making.

I think this is the most astounding position I have seen in 22 years where cloture is filed before the bill is presented for Senators to read and no discussion of the bill has been had.

We have an amendment that is a codification of a system for the government of the city of Washington of 107 pages. We are asked to vote today, within the next 45 minutes, on the question of closing off debate.

If I ever saw a gag operate this is it. It offends my whole sense of legislative propriety or parliamentary procedure. I am thoroughly against it. I expressed myself on Friday when I heard for the first time, as I was coming through the door, that the cloture motion was being presented.

Mr. RUSSELL of Georgia. No Member of the Senate has had an opportunity to even read, much less understand and analyze, this more than 100-page amendment on which we are asked to gag the Senate and deny any right even to be heard or to submit an amendment. The Senator is correct; this is a most shocking abuse of parliamentary power. It is a most unusual and shocking attempt to use mere numbers to attain a legislative purpose that I have ever seen.

When the Capital City was laid out by Major L'Enfant, as I read it, he laid out the avenues here so that they could be swept easily by the artillery of the period in order to avoid even here in our Federal City the invasion of a mob to intimidate Members of Congress or to stampede the Government of the United States.

No person in the United States is forced to live in the District of Columbia, yet it is the most sought after place for residence on earth, even with the infirmities which beset citizenship, which has so often been pointed out in the press and on the floor of the Senate.

More people have ambition to live in this Federal area, in spite of the limitations on citizenship, than in any other similar space in this country. From grade 1—I do not know just how low civil service grades begin, I assume they begin at grade 1—but from grade 1 up to President of the United States, and including the Congress, people seek to come here, even if they cannot find employment with the Federal Government, because of the many advantages which accrue from being here in this Federal City.

As long as people have the right of free movement in this land, as long as they have the right to exercise the right of citizenship by casting absentee ballots in the area from whence they came, the argument that they are being disfranchised falls very flat, and is directed as a criticism of our Founding Fathers. They were the ones who poured out their blood and sacrificed their property and everything that they had in order to secure the rights of a free people. They never intended that Washington should be like any other city.

I warn the Senate, if it decides to take this summary step—this legislative lynching—it will destroy all the processes of legislation and deny the right of expression on the floor of the Senate merely because we are assured in advance that the conference committee that has no original jurisdiction of the matter in the other body is ready to surrender in advance.

I have just seen a letter signed by Chairman POWELL of the House committee, and some 15 or 18 members of his committee, stating that they are anxious and willing to embrace this amendment.

Mr. President, that does not appeal to me as any sound reason or justification for passing an amendment. If it does, then our bicameral parliamentary body is all wrong, if we are to vote for a proposal just because the House is willing to embrace it.

If we deny the right of Senators to speak because the other body is willing to pass judgment on our rules, or say that they will gladly have the House follow this policy, it means that the dignity and the prestige of the Senate will be laid to rest on advance notice the other body will decide.

Mr. President, the Senate should not use any such precedent as that. That is not a test of the merits of the matter or an excuse for abandoning proper procedures. It may receive the plaudits of the Washington Post, but we will be creating a precedent which will react to plague us and destroy the usefulness of the Senate and its place in the scheme of government.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Who yields time?

Mr. MORSE. Mr. President, I yield myself 5 minutes while waiting for the arrival of the Senator from New York who is to be the next speaker.

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

Mr. MORSE. Mr. President, on the desk of each Senator lies the CONGRESSIONAL RECORD for Friday, October 7, which contains the statement by the majority leader setting forth his reasons as to why he decided to file the cloture motion.

As the RECORD will disclose, I, as Senator in charge of the bill, was not aware that the majority leader planned on that procedure. He set forth very clearly, I think, the reasons why he followed that procedure, and I want to summarize what he said.

He pointed out that as majority leader he had been advised that if the amendment of the Senator from Oregon were to be considered on the floor of the Senate, it would be subject to a filibuster, and that the purpose of the filibuster was to prevent the passage of the amendment prior to adjournment of Congress.

We all know of the burdens of the majority leader. We all know of his responsibility to try to clear legislation before adjournment by October 15, although I think it would take a Houdini in the majority leader's chair to have the calendar cleared by October 15. But the majority leader does remarkable things, and he might be able to do that, too.

Then he went on to make his second major point: that there is not a Member of this body who does not know almost by rote the pros and cons of the home rule issue. The Senate has passed District of Columbia home rule bills six times. Of course, it is a lengthy bill. But it is the same lengthy bill, except for the four modifications that I explained on Friday, that passed the Senate at an earlier date in this session of Congress. There is nothing new in this bill. We have walked up the hill for home rule six times. This is the seventh time.

The majority leader told us on Friday that he had decided upon cloture because he was satisfied that every Member of the Senate knows exactly what has been said on the home rule issue.

In the pressure of the closing days of the session, I think there is great merit in the position taken by the majority leader. With his usual frankness, he put it on top of our desks on Friday and told us why he was following this course of action. He would have followed another course of action—that is, to propose a unanimous-consent agreement to limit debate. But the majority leader told us that he had been advised that if he had asked for a unanimous-consent agreement, it would be objected to, because there is a determination to kill this amendment by way of a filibuster.

Then the majority leader made his third point. He had the choice to move to lay the amendment on the table. He said he preferred not to do that. He thought, considering the circumstances and the history of home rule bills, that the proper thing to do was to file a cloture motion. I did not know that until the motion was presented at the desk. When it reached the desk, I felt, as a proponent of the bill, that I should join the majority leader, and I asked permission to sign the cloture motion because, in my judgment, the position taken by the majority leader was sound, under the circumstances.

Every Member of the Senate knows that I would never be a party to stopping debate on the merits of the issue if we were in a situation in which a discussion of the merits of the issue might change some votes. But let us not fool ourselves or the public. We know that that is not the situation. We know that what we are engaged in on this occasion is a parliamentary battle as to whether the opponents of home rule will be able to use their parliamentary power in the Senate to prevent the adoption of a cloture motion, because the adoption of such a motion will guarantee not only to the people of the District of Columbia but also to the people of the United States the establishment of representative government in the Capital City.

Time does not permit me to say more about the argument of the Senator from Georgia [Mr. RUSSELL] on the point he raised, but this I shall say: He can deny all he wants to that the race issue is not involved in the home rule issue for the District of Columbia. But the race issue happens to be an ugly reality, and it has reared its ugly head time and time again.

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

Mr. MORSE. I yield myself 2 additional minutes.

As a member of the Committee on the District of Columbia, I have elicited on cross-examination testimony from witnesses who expressed themselves as opposed to home rule for the District because, in their judgment, the majority of the residents of the District of Columbia being Negroes, there was danger that a Negro might be elected mayor.

As I said Friday, and have said many times before, if free Americans decide that the person best qualified to be mayor of the District of Columbia is a person of any color—white, black, or any other color—then, as free men and women, they should have the precious right to elect such person as mayor of the District of Columbia.

I want to say, in regard to that question, that that is the race problem that is involved insofar as the Negro population of this city is concerned. It is not the only problem. We ought to show them that there is no justification for that belief. We ought to give them home rule.

The last reply I wish to make in response to the argument of the Senator from Georgia is that we had home rule in the District of Columbia at one time. It proved to be, on the basis of the format in effect at that time, very inefficient. That is why it was eliminated. But in the kind of home rule proposed under this bill, the residual check—which I would never want to give away—by the Congress of the United States is retained. All I want to say is that we ought to make sure that such check is left in the Congress in any plan for home rule.

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

Mr. MORSE. Mr. President, I yield 2 minutes to the Senator from Pennsylvania [Mr. SCOTT].

Mr. SCOTT. Mr. President, I hope that the Senate will approve the pending motion by the necessary vote so that we can have an opportunity to vote on the Morse amendment to grant home rule to the District of Columbia.

I believe that the citizens of the Nation's Capital are entitled to self-government.

The home rule measure embodied in the Morse amendment is better for the District's future than the approach embodied in S. 1118, which the Senate approved last year. My principal objections to that bill were that it permitted partisan local elections and it empowered the city council to appoint municipal judges. These and other deficient provisions, I felt, condemned the District of Columbia to rule by a political machine with all the attendant possibilities of corruption.

My major objections to S. 1118 have been met satisfactorily in the Morse amendment, which will be offered by the Senator from Oregon, and which he and I have discussed.

This new bill requires nonpartisan elections in the District; and, while it still provides for city council selection of local judges, my distinguished colleague from Oregon has graciously agreed to accept an amendment, which I shall propose if the pending motion is adopted, to provide for appointment of these judges by the President by and with the advice and consent of the Senate.

Having granted home rule, Congress will still retain residual authority to gov-

ern the District of Columbia. It is high time, however, that we turn over the day-to-day responsibilities of government to the citizens of this great city. For Congress to act as mayor and city council is needlessly time consuming and diverts its attention from more nationally urgent and pressing problems.

For these reasons, and with some reservations as to some features of the bill, I nevertheless support the Morse amendment, and I therefore urge the Senate to approve the pending motion.

Mr. RUSSELL of Georgia. Mr. President, I yield 8 minutes to the Senator from West Virginia [Mr. BYRD].

Mr. BYRD of West Virginia. Mr. President, rule XXII of the Standing Rules of the Senate provides for the invoking of cloture to "close the debate upon any measure, motion, or other matter pending before the Senate." Today, we are confronted with a most unusual situation in which a cloture motion has been signed by various Senators to close the debate upon a subject concerning which there has been no debate, that subject being the Morse amendment, or rider, to the Higher Education Amendments of 1966. The Morse rider would grant home rule to the District of Columbia.

I shall vote against the cloture motion today for the following reasons:

First. I am generally opposed to invoking the gag rule in the U.S. Senate except when the Nation's welfare or security may be involved.

Second, I am unalterably opposed to invoking the gag rule to close debate when there has been no debate.

Third. I am opposed to attaching a home rule amendment to this important bill involving higher education, thus jeopardizing the chances of final enactment of the education measure.

Fourth. I am opposed to the home rule rider because I believe that home rule is not in the best interests of the Nation's Capital.

The legislative issue we have before us today is in the classic tradition of rider amendments. We have, first of all, the bill entitled the Higher Education Amendments of 1966. This is a good bill, a much needed bill that has already been passed by the other body.

Our second element is the amendment the senior Senator from Oregon proposes to attach to the education bill. This amendment would grant home rule to the District of Columbia. It would be difficult to conceive of two more totally unrelated pieces of legislation. For reasons that I shall discuss in some detail in a few moments, I am opposed to home rule, but the point I want to make now is that I am particularly against the use of this method to attempt to secure its adoption.

Though I am against home rule, I do not deny its very considerable significance as a matter of public policy. It is, indeed, this very significance that makes it all the more important that self-government for Washington be considered—if we must consider it again—on its own merits as a separate and distinct subject.

Why is this not done? All of you in this Chamber know as well as I do the answer to this question. It has been considered on its merits several times in recent years and even during the present Congress, but home rule legislation has failed of enactment.

If it stood alone, it would meet the same fate now, as its supporters know perfectly well. In attaching home rule as a rider, the advocates of home rule are willing to jeopardize the widely supported and most deserving Higher Education Act amendments bill by introducing a completely irrelevant issue that this Congress has already rejected.

The problem of legislative riders is not new; their use, in fact, is just about as old as representative government itself. They may be time honored, but this is about the only honor they deserve as a legislative technique.

Robert Luce in his book "Legislative Problems" tells us that the term "rider" was naturally suggested by horsemanship—a legislative amendment carried through by another measure as a man is carried on a horse's back.

In England, by the time of the Stuarts in the 17th century, riders were attached to bills in Parliament as the House of Commons began to assert itself against the Crown. Under Charles II riders were hooked onto bills of supply. In 1700 Commons attached an amendment for the appointment of certain commissioners to a land-tax measure. This distressed King William III, who nevertheless was forced to give his reluctant assent. He then prorogued Parliament and wrote to a friend that "this has been the most dismal session I ever had."

The use of riders was not unknown in the American colonies. In 1754 the Virginia House of Burgesses linked an amendment to send an emissary to England to a bill providing for the protection of the colony against the French. The council refused to approve the measure with the rider, and the House of Burgesses would not yield. To the disgruntlement of the Governor the expedition had to be abandoned.

Riders in the Legislature of Maryland led to the insertion of a section in the colonial constitution of 1776 which read, in part:

> That the Senate may be at full and perfect liberty to exercise their judgment in passing laws . . . the House of Delegates shall not, on any occasion, or under any pretence, annex to or blend with a money bill, any matter, clause, or thing, not immediately relating to, and necessary for the imposing, assessing, levying, or applying the taxes or supplies, to be raised for the support of government, or the current expenses of the State.

After the adoption of the Constitution, many States took note of the problem of riders, especially with reference to appropriation bills, as they drafted their own constitutions. Delaware, in 1792, was among the first when it directed that no clause not immediately relating to and necessary for raising money could be attached to a revenue bill. The New Jersey constitution of 1844 contained a provision stating:

> Every law shall embrace but one object.

A couple of years later the New York constitution incorporated a statement declaring that private and local bills should not contain more than one object. Wisconsin shortly followed the New York pattern. Within the next few years Iowa, California, Ohio, and Indiana also adopted some restrictions on riders, as did many other States.

The foregoing is by no means a comprehensive history or cataloging of State actions taken to counter the use of legislative riders. I have mentioned these examples solely to point out that the American colonies, and later the States, were quick to recognize the problem and potential danger in the unlimited use of riders and to take the steps they thought best suited to control them.

Although riders were very rarely employed during the early years of Congress, their use became common practice after the Missouri Compromise of 1820. Stirred by the slavery issue, the Senate coupled to the bill to admit Missouri as a slave State an amendment to admit Maine into the Union. True, the question of statehood was common to both, but the issues involved and the relative merits for statehood for these two regions were not all comparable. Separate bills were eventually introduced, passed, and sent to the President, but the potential coercive power of this sort of rider has been abundantly demonstrated.

By 1835 John Quincy Adams, concerned about the delays caused by riders hung on money bills, suggested that these bills be kept free of all amendments not dealing with appropriations. Proposed rules changes to achieve this objective were not then adopted.

The use of riders continued to increase. Many of them were inspired by the slavery issue, and many more, after the Civil War, arose from the problems of Reconstruction. President Hayes, for example, vetoed many bills in 1878 and 1879 because the Democrats had attached to them riders opposing the new Federal election laws and the use of the Army to enforce them. In a veto message dated April 29, 1879, President Hayes wrote:

> The public welfare will be promoted in many ways by a return to the early practice of the Government and to the true principle of legislation, which requires that any measure shall stand or fall according to its own merits.

These words seem to have had little effect. Riders continued to be used. In 1915 Senator Charles S. Thomas of Colorado, declared:

> I think I am within bounds when I assert that fully fifty per cent of the objectionable legislation of Congress is in the form of riders or amendments that are not germane to the titles of the bills to which they are attached.

This, he went to say, is a great abuse of legislation.

These words, too, fell on deaf ears. In the 65th Congress—1917–19—296 legislative proposals were attached to appropriations bills, despite Senate rules to the contrary. In the next Congress, 1919–21, 223 such legislative proposals were enacted as riders.

The Corrupt Practices Act of 1925, submitted by Senator Walsh of Massachusetts, rode into the statutes on the back of the Post Office appropriations bill. In 1946 the present senior Senator from Oregon attached to the tidelands oil bill an anti-poll-tax measure already approved by the other House. This made the package so unacceptable to a large number of Senators that both measures were eventually dropped.

We must not permit this to happen to the Higher Eduation Act amendments to which the advocates of home rule now wish to annex the Morse amendment.

In recent years we have seen major legislation in the civil rights area enacted into law through the use of riders. In 1959 the life of the Civil Rights Commission was extended for 2 years by a rider attached to the mutual security appropriation bill. The next year the Senate Judiciary Committee was bypassed when a comprehensive civil rights bill was tacked onto a bill already passed by the other body dealing with the leasing of an unused building to serve as a temporary school for the town of Stella, Mo. Again in 1961 the life of the Civil Rights Commission was extended when a rider was attached to the appropriations bill for the State and Justice Departments and the Federal judiciary.

A few months after he had taken office in 1945, President Harry Truman found on his White House desk a bill to adjust the wartime financial operations of the Government to peacetime conditions. He strongly favored this measure; but attached to it as a rider was a provision to break up the U.S. Employment Service into 51 separate State and territorial systems. This he could not approve.

Reluctantly he was forced to veto the bill. His veto message contained these comments:

> It seems clear to me that a matter of such grave importance as our public employment system deserves not only permanent legislation, but legislation carefully and separately considered. . . . The present bill directly violates that principle. I am obliged to withhold my approval to some very excellent legislation because of the objectionable practice which has been followed in attaching this rider which I cannot possibly approve.

There is in these words and in my sketchy review of the use of riders a lesson for all of us. It is in the nature of riders that they often force Congress to try to reconcile the irreconcilable, to rationalize the irrational. This is exactly the position we shall find ourselves in if the home rule amendment is fastened to the higher education amendments.

Both of these issues are important, but they share no points of contact. To attempt to discuss or consider them together is to make a mockery of the entire legislative process.

But more is at stake here than an abstract principle of what constitutes good legislative practice. Important questions of public policy are also involved.

First, there is the bill now before us, the higher education facilities amendments. Here is legislation of such generally recognized significance and widespread support in Congress that it easily and quickly was passed by the other body. It would extend all three titles of the Higher Education Facilities Act of 1963 and title III of the Higher Education Act of 1965.

The bill provides for a continuation of construction of both graduate and undergraduate facilities and extends the authorization for funds to help strengthen the developing institutions program incorporated in the 1965 law.

This is the bill I want to save. But this bill needs no detailed explanation or defense by me, and it is not the bill I am going to talk about.

The second issue of public policy—one that really disturbs me—is the proposed Morse home rule amendment to the education bill. I am opposed to home rule for the District of Columbia on a number of grounds, and I am particularly opposed to the methods now being used in an effort to secure its adoption. Other Senators and I have many times in the past expressed the reasons for opposition to self-government for the National Capital. Apparently it is now necessary to do so again.

Any discussion of home rule must begin with its constitutional and legal setting. This is much-worked ground, and I do not intend to labor for long in it.

Article I, Section 8 of the Constitution states:

> Congress shall have Power To . . . exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States.

Home rule combatants have generally construed this section to suit their own purposes. To the strict constructionist, antihome rule forces, it is an insuperable barrier to self-government for Washington that can be breached only by an amendment to the Constitution. At the other extreme are those who regard it as clearly authorizing Congress, while continuing to hold ultimate authority, to delegate sufficient power for home rule by enacting a city charter.

I hold to the middle ground. I think Congress can constitutionally delegate enough of its authority to establish a home rule government but does not have the slightest moral obligation to do so. We must remember that the District did have one form or another of home rule government for more than 70 years. It was brought to an end in the 1870's by Congress after it had degenerated into a political and economic fiasco. It was at that time that the present commission form of government, which on the whole has worked well for Washington, was brought into being.

Inasmuch as the Constitution neither commands us to grant home rule nor prohibits us from doing so, we must seek other criteria when we consider the home rule matter. When we do this, the answer seems to me to come through loud and clear.

The most compelling reason why Congress must continue in its present role as the governing body of the District lies in the simple fact that Washington is the National Capital.

It is the only city in the United States in which every American citizen has an equal stake. It belongs as much to the family from Seattle or Cleveland or New Orleans as to its lifelong residents.

By its very nature Washington is a unique city. There is no other like it in either political status or symbolic importance to the people of this Nation.

Home rule advocates are forever telling us that the capital cities of all the 50 States govern themselves, that all of our other great cities have home rule, and that even the smallest villages elect their own mayors and councilmen.

All of these statements are as true as they are irrelevant. Washington was not created for any of the reasons which gave birth to any other city. It has grown and developed in its own way which is not the way of other American cities. It has been shaped by forces which have not touched other cities. Its entire reason for being, the sole purpose for its existence, is today, as it has always been, completely different from the other metropolitan centers of the United States.

Washington houses much of the physical plant of the U.S. Government, which owns well over 40 percent of the land in the District.

This fact alone would be enough to make it the Federal City, to give it a distinctive position, and to make it the object of special concern and responsibility for all of us in Congress.

We cannot continue to fulfill this responsibility if we yield control to a locally elected government, no matter how sincere or dedicated in its purpose such a government might be.

As the National Capital, Washington must develop and project other special features which make it a city apart. It must be a cultural leader; it must be a city of great physical beauty; it must be a center of ideas and learning. It must command the respect, not only of our own people, but of the entire world.

It must also be as representative as we can make it of all the hopes, aspirations, and dreams of the American people. It must reflect as closely as possible the greatness, the complexity, and the diversity that are the strength and the character of the United States.

These are lofty goals, perhaps never fully attainable, but certainly worth striving toward.

These are also national, not local, objectives. Their pursuit is overwhelmingly a national responsibility, in other words, a responsibility of Congress.

A locally elected government cannot and should not look at its problems primarily in national terms. Yet the government of the city of Washington must always be conducted with the interests of the Nation in mind.

Only Congress is qualified to view this city through this frame of reference. Only Congress is in a position to see this city in its proper perspective. The city that belongs to the Nation must be governed by the people who are elected

by the Nation. This, of course, means Congress.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. RUSSELL of Georgia. I yield 2 additional minutes to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, supporters of home rule repeatedly tell us that Congress is overworked and that its burden could be eased if it were to turn over the government of the District of Columbia to locally elected officials.

Again, I agree with the facts of these people, and again I point out that their conclusion is irrelevant. Congress has no right to ease its own workload or save its own time at the cost of neglecting or delegating to someone else the tasks that it should do.

I take very seriously my duties as chairman of the subcommittee which handles the District appropriation. This job demands a lot of time and lot of work, but I regard it not as a burden but as a position of honor and importance.

The argument that home rule would remove an oppressive weight from Congress assumes that the government of the District is strictly a local matter. I hope I have shown that this is not true. It is a matter of national concern, and therefore the legitimate business of Congress.

With his characteristic candor and sense of fairness, the senior Senator from Oregon let it be known at least as long ago as the middle of last July that he intended to attach a home rule rider to the higher education amendments bill. We were forewarned; the question at this time is: Are we adequately forearmed?

We now have the Morse amendment before us for our decision. It calls for a somewhat watered-down version of the administration home rule bill of last year. Presumably, these changes are designed to make it more palatable. One revised feature would base the Federal payment on 25 percent of the funds raised by the city through taxes. The original bill called for an automatic Federal contribution based primarily on taxes lost due to the extensive Federal property holdings in the District. Another revision provides for nonpartisan elections and certain other departures from the original bill as introduced last year.

These are changes in the right direction, but they do not, of course, get to the heart of the matter. It is still a home rule bill providing for an elected local government, and as such it is wholly incompatible with the status of Washington as the National Capital and with the responsibilities of Congress toward this city.

The use of the rider technique is always a confession of weakness. In this case it is also a great misfortune. For many in this body it creates a serious dilemma for which there is no really satisfactory solution. This dilemma will be intensified if the amendment is approved.

But if we defeat this amendment, we shall not only escape the coercive pressure of this dilemma but also reaffirm our faith in established legislative procedures. We shall then be able to judge the education measure solely on its merits, and surely legislation of its importance is entitled to our undivided attention.

Let everyone in this Chamber fully understand the crucial nature of the vote we are about to cast. If cloture is invoked, to those who think that a yea vote on this rider may be a cheap and easy way to get two laws for the price of one, let me say this: approval of this amendment may very well mean the loss of both bills.

In any event, were both proposals to be finally enacted, the Congress would have made a serious mistake in granting this measure of home rule to the District of Columbia. I have no objection to a nonvoting delegate to the House of Representatives, but the Senate will have made a grievous error if it invokes cloture and enacts the home rule amendment before us today.

Not only will the Senate have set a very dangerous precedent in invoking cloture to close debate before any debate has transpired, but, if Congress restores home rule to the District of Columbia, Senators will rue this day. Variations of District of Columbia home rule have been tried and have proved to be unwise, and as one who has been chairman of the Senate Appropriations Subcommittee on the District of Columbia over a period of the past 6 years, I have come face to face with education, health, welfare, crime, and financial problems confronting this city which make more unwise than at any time in the past the granting of home rule to the Nation's Capital.

We have no right to gamble in this way with the higher education amendments. We must not permit the home rule rider to become a part of this bill. We must not, to paraphrase Mark Twain, permit ourselves to get hitched up to a train we do not want to pull.

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

Mr. RUSSELL of Georgia. I yield 2 minutes to the distinguished senior Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, I have always voted for home rule for the District of Columbia, but I am against cloture today, because I believe it is in the best interests of Congress to conclude the business of this session promptly and because the Senate has already passed a home rule bill.

I shall vote against attaching home rule for the District of Columbia to the vital bill for higher education, a bill which affects millions of our youth throughout the country. Both bills are fundamental. Both bills are of such importance that they should and must be considered separately, and upon their individual merits. Home rule cannot be tacked on as an amendment to a bill on education that is of vital importance to thousands and millions of our future citizens.

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

Several Senators who are coming from the airport to the Capitol to speak in support of the amendment have sent messages through their offices that I must speak for them until they arrive. There is not much time left, but I do want to make a very quick and respectful reply to my friend from West Virginia. I must say that I respectfully disagree with almost all the major premises laid down in his speech. Let us cover a few of them.

First, does Congress have the constitutional legal power to grant home rule to the District of Columbia? Mr. President, that has been tested in the crucible of the courts, and there is no question about our legal power, so long as we make it perfectly clear that we recognize a retention of the basic constitutional right of Congress over the District of Columbia; and my bill does that. All six times we have passed a home rule bill, we have done that.

Of course, we have the right, as a Congress, to intervene in case corruption or malfeasance or bad government develops in the District of Columbia, because of the Federal interest. That is recognized in my bill.

Second, let us take up the issue as to whether or not home rule is warranted on the merits. Contrary to my friend from West Virginia, we have, as he says, tried it; but let us compare the type of legislation we have recently passed, and the modified legislation that I offer today, with the home rule of 70 years ago which resulted in such corruption in government in the District of Columbia that Congress, exercising its residual power, eliminated home rule.

This bill of mine provides for an elected mayor. It provides for an elected school board. I was advised by the District officials Saturday that at least 90 percent of the boys and girls in the public schools of the District of Columbia are colored. Yet in this debate, there are those who would leave the impression that the Negroes are not concerned about our denial of self-government to them. We do not even let the parents of those 90 percent of the schoolchildren of the District of Columbia who are colored vote to elect their own school board. The Members of Congress, acting as aldermen, impose government upon more than 800,000 people in the District.

I proceed to the next point in our bill—not in the bill of 70 years ago—the provision for referendum, whereby the people of the District of Columbia are given a precious check upon the operation of their government.

I come from the State that created what is known as the Oregon system of initiative, referendum, and recall—providing a really direct democratic check by the people upon the administration of their government. That system prevails also in many of the municipalities in my State.

Mr. President, there is no comparison between the bill we are offering and the home rule of 70 years ago, for 70 years ago the people of the District of Columbia did not have the checks that are indelibly written into the home rule bill before the Senate this morning.

Lastly, Mr. President, we are not gagging the Senate, unless Senators can say that they have not studied the home rule issue up and down and crosswise for these many years in which we have dealt with the issue in the Senate, and passed six home rule bills.

On the merits, Mr. President, I happen to think we have exhausted discussion of the pros and cons. We have ahead of us an adjournment date. We are confronted by a parliamentary situation. I think, in view of some of the sad votes that have been taken in this Congress on civil rights, we ought to close in a blaze of glory, protecting the civil rights of this country by making this a civil rights vote—which it is in part—that will rectify what at least I think are some of the shortcomings of this session of Congress in facing the issue of civil rights.

Mr. RUSSELL of Georgia. Mr. President, I yield 1 minute to the Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, in the years I have served in the Senate, I have only voted for cloture one time, and I stated then that I hoped it would be the last time. I have always felt that this should be the last representative body is the world where the gag rule would be applied.

At the time I voted for cloture, we were considering the communications satellite legislation. On the final vote on this piece of legislation only 11 Senators were opposed to it. Only 11 Senators were involved in the filibuster at that time. As I recall it, that filibuster continued for about 5 weeks.

I will never forget the guilty feeling I had day after day after the cloture motion had been invoked when Senators criticized us for what they called an imposition of the gag rule. We had debated the matter for a long time.

We are confronted today with an amendment which contains 107 pages, affecting home rule for the city of Washington, D.C.

I never saw the 107 pages until today.

We are supposed to pass upon this matter with approximately 1 hour of debate. It is unprecedented in the history of the U.S. Senate.

Mr. MORSE. Mr. President, I yield 3 minutes to the junior Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. KENNEDY of New York. Mr. President, I strongly support the effort for home rule that has once again been made in the Senate.

It is extremely important that the residents of the District of Columbia finally be permitted to select their own government officials. It is extremely important that those who have positions of responsibility within the government of the District of Columbia are responsive to the wishes and the will of the people who live here, who send their children to the District of Columbia schools, and who reside, work, and play in the District of Columbia.

Another 2 years have passed without granting this most basic U.S. right to the people of the District of Columbia.

The people of the District of Columbia should have the right to vote. They should have the right to choose their officials. The government officials should know that they must answer to the people of the District on whether they meet their responsibilities. They must be held accountable to the people of the District of Columbia for using their judgment, exercising their functions, and carrying out their responsibilities.

I commend the senior Senator from Oregon on the effort he has made. The time has long passed when we should have granted this basic right to the people of the District. We would not tolerate a situation in which the people in any other part of the United States were deprived of this right.

The basic right to vote and to participate in political affairs is taken for granted in every other part of the United States.

The same should be true in the District of Columbia.

I support this measure.

Mr. MORSE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Oregon has 4 minutes remaining.

Mr. MORSE. Mr. President, I thank the Senator from New York [Mr. KENNEDY] for his statement.

I yield 3 minutes to the distinguished senior Senator from New York.

The PRESIDING OFFICER. The senior Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, we have talked for a very long time about giving the District home rule. There has been literally a cry for justice in the District and a demand that they have home rule.

This situation is compounded for the whole Nation by the acknowledged fact that such a heavy proportion of the population of the District consists of Negroes.

Mr. President, it seems to me that some things ultimately get accepted here. One of them is that Negroes should have the right to vote. Interestingly enough, even those who were most strongly against the measures we passed with respect to other rights, and filibustered them, always have said, "Certainly, there is no objection to that. Every American should have the right to vote."

Mr. President, a vote must be a meaningful vote. The right to vote is not very meaningful if it is the right to vote—as is the present case in the District of Columbia—for the presidential ticket every 4 years, without the right of self-government on the part of the residents of the District.

It seems to me that this is part of the higher reform which has been accepted as the consensus in the last 13 years.

We seem to have agreed upon this one fact—that Negroes should be entitled to vote. If they are going to be entitled to vote, then they should have a meaningful right to vote.

Washington is a city, just as is every other city. There are deep injustices built into this city.

As everybody knows, one can walk a few blocks beyond the Capitol and see ghettoes which would make us ashamed if they existed in Harlem or in Bedford-Stuyvesant which are supposed to be such tragic examples of deprivation of the rights of people in our Nation.

It may be that the city of Washington—like New York and other cities—can do nothing about it. It may be, but I do not think so.

The people of the District can at least try. They can at least have the feeling that they are trying to do something for themselves.

I cannot see any other way to do that than by giving them the right to govern themselves and deal with their tax moneys themselves in an effort to correct the existing conditions.

In terms of responsibility, the century-old deprivation of rights has resulted in a very grave problem of leadership and representative government in a democracy as far as the American Negroes are concerned.

It is precisely in such a situation that that type of leadership and responsibility and admirable demonstration project can prove what it means to vest authority and responsibility in a people who have been deprived of it for so long. It can be most effective and helpful to the people of the United States.

Mr. President, I urge for all these reasons that home rule for the District is long overdue and that the cry of justice should be at last answered in a practical way in the Senate.

Mr. MORSE. Mr. President, I yield 1 minute to the Senator from Alaska.

HOME RULE—SUBJECT FOR THE AGES

Mr. BARTLETT. Mr. President, residents of Washington have repeatedly asked for more home rule, for extension to the District of at least the minimum rights of self-government, but these pleas have gone unheard.

It is grievous to contemplate that right now when we as a nation are so concerned with freedom of peoples all over the world and democratic aspirations of those peoples that we so blindly overlook something that ought to be of much more intimate concern—the rights of American citizens living under the American flag on this very continent.

Mr. President, except for substituting references to the District of Columbia for references to the Territory of Alaska, I have just quoted from a statement I made in the other body on November 19, 1945.

On June 30, 1947, I said:

As one who has spent a lifetime in an area without home rule, I should like to say to you that the quality of citizenship is sadly diluted for those Americans who are obliged to live under territorial government. Powers of home rule which ought to be theirs as a matter of right are long and even continually denied and essential powers of government are retained by Congress. Always in the last analysis we must depend upon decisions made at the distant capital by those who may not be well equipped to make those

decisions, on matters of vital concern to us. That is not in the American tradition . . .

And on January 23, 1950, I stated:

Americans do not like that kind of a situation to continue for too long, wherever they may be. They want a voice in the making of their laws. They want to be real Americans, complete Americans, not halfway Americans as the Alaskans are today.

Mr. President, with minor changes, those statements are as true today of the situation in Washington, D.C., as they were of the situation in Alaska and Hawaii when I made them.

I do not quote these statements under the misconception that my words are of universal and permanent importance. My purpose is to demonstrate that the subject of my remarks, not the words, is of permanent importance.

The timelessness of the subject was stated for the ages long before I happened on the scene. The statement is on record—in the Archives. The statement was part of the document which launched this great and continuing experiment in democracy. The words are simply "that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

In this Nation the consent of the governed is expressed on election day when people select and give certain powers to their representatives to local, State and Federal governmental bodies. Mr. President, I think it is clear that one important reason for this Nation's enduring form of government is that through elections we have institutionalized a peaceful way to exchange power.

Perhaps the institution of home rule for the 13 colonies is too distant from the present to permit us today to appreciate fully the benefits of the decision to form a new government based on the consent of the governed. However, home rule for Alaska is still recent history, and the progress made since statehood is there for all to see who would doubt the benefits of home rule.

Alaska's population is growing at the second fastest rate in the Nation, a growth which was not occurring and, I believe, would not have occurred had Alaska remained a territory.

Perhaps the most easily recognized benefit from statehood is the growth in the Alaska salmon industry, which, under Federal control, was being reduced to extinction because of a lack of proper conservation measures.

The senior Senator from Oregon has offered an amendment to the pending legislation for home rule for Washington to the higher education bill, already approved by the House. I support this move and hope the Senate will be given an opportunity to work its will on this question. More importantly, the Senate should approve the home rule rider to give the House an opportunity to vote yes or no on a meaningful home rule bill.

Mr. President, I have read and listened to numerous arguments against home rule for the District of Columbia, and quite frankly many of the arguments are, in reality, arguments against local government in any city. Politics, corruption and waste is feared if residents of Washington get home rule. Yes, there is a chance for all that to happen, but there is a chance of that happening in any city in the country, in any State in the country, in the Federal Government and in any country in the world.

It is also argued that inasmuch as Washington is the Nation's Capital it should be under national control. That might be true if there were only Federal buildings and monuments in the District. That might be true if there were no people living in the District, but there are and they deserve the same opportunity to give their consent to local government as other citizens of the United States.

It never ceases to amaze me that some of the most vocal opponents of home rule are also strong believers in so-called States rights and object to what they describe as a Federal takeover.

Mr. President, let us make no bones about this issue. We can argue all day about the danger of local government, about the special nature of a Federal City and about whether elected representatives from other sections of the Nation should spend their time as city councilmen, but the real issue is whether or not we believe that governments should derive their just powers from the consent of the governed.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. RUSSELL of Georgia. Mr. President, nothing could indicate more completely the travesty of parliamentary process proposed here today than the fallacious arguments made on this issue.

The distinguished author of the amendment, the senior Senator from Oregon, and the senior and junior Senators from New York have undertaken to make this matter wholly and totally a racial issue. They say, Mr. President, that it is time that something should be done for the Negroes in the District of Columbia.

Mr. President, the issue of local competing government in the District of Columbia has been an issue for more than 100 years. It was an issue here when there were two whites for every Negro in the District of Columbia.

The Senator from Oregon wept because the Negroes of the District cannot elect their own school board because they are now in the majority in the District.

Where was that voice when there was a majority of white people in the District? They had no right to vote for the election of a school board but none of these great civil rights advocates raised this issue when the supposed rights of a white majority were involved.

This measure is brought in here as a civil rights bill when the racial issue can be raised. But when the white people of this community were in the majority and were deprived of all these rights that are described in this debate, I did not hear any of this argument made. It was not contended that this was a civil rights issue.

Mr. President, I have never seen such complete obsession with the racial issue as that which has been evidenced in this argument here.

In my judgment, it is an insult to the intelligence of the Negro population of the District of Columbia. It is one thing to get up in the Senate and say that we ought to do this because the people who live in the District are entitled to it, but it is entirely another thing to say we ought to do it because the population in the District of Columbia has changed and we ought to grant the power of local government at this time when we should not have granted it 14, 15, or 20 years ago when there was a majority of white people in the District of Columbia.

This is outright advocacy of racial discrimination in reverse.

Mr. President, you cannot fairly make it a racial issue against those of us who have been opposed to competing government in the Federal area for 34 years, as I have been—there were two whites here for every Negro when I came to the Senate. From the arguments I have heard, it seems to me that those who are trying to make political hay on this matter are on the other side of the racial issue and have brought the matter in here saying that it was a civil rights question to curry favor with Negro votes rather than to stand squarely on the justice of their case.

After all of this political obfuscation has been lifted and floated away, I hope that there will be a U.S. Senate. I hope it will be a U.S. Senate that will have enough courage to reject arguments of this kind.

The Senator from Oregon mentioned the constitutional issue—and he is an able lawyer—but under the procedure he proposes all of these grave issues must be settled after 3 or 4 minutes' debate.

It is a perfectly ridiculous parody on Senatorial procedure. This, Mr. President, is a precedent that will destroy the Senate of the United States, not only as a deliberative body but also as a legislative body if the Senate is so thoughtless as to adopt it.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Senate will now vote on the pending cloture motion.

The pending question is, Is it the sense of the Senate that debate on the amendment of the Senator from Oregon [Mr. MORSE] to H.R. 14644, Higher Education Amendments of 1966, shall be brought to a close?

Under rule XXII, the clerk will call the roll to ascertain the presence of a quorum.

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

[No. 292 Leg.]

Aiken	Dominick	Kennedy, Mass.
Bartlett	Ellender	Kennedy, N.Y.
Bass	Ervin	Kuchel
Bennett	Fannin	Lausche
Bible	Fong	Long, Mo.
Boggs	Fulbright	Long, La.
Brewster	Gore	Magnuson
Burdick	Hart	Mansfield
Byrd, Va.	Hartke	McCarthy
Byrd, W. Va.	Hickenlooper	McClellan
Cannon	Hill	McGee
Carlson	Holland	McGovern
Case	Hruska	Miller
Clark	Inouye	Mondale
Cotton	Jackson	Monroney
Dirksen	Javits	Morse
Dodd	Jordan, N.C.	Morton

Moss	Robertson	Symington
Mundt	Russell, S.C.	Talmadge
Murphy	Russell, Ga.	Thurmond
Muskie	Saltonstall	Tydings
Neuberger	Scott	Williams, N.J.
Pastore	Simpson	Williams, Del.
Pell	Smathers	Yarborough
Proxmire	Smith	Young, N. Dak.
Randolph	Sparkman	Young, Ohio
Ribicoff	Stennis	

Mr. LONG of Louisiana. I announce that the Senator from Indiana [Mr. BAYH] and the Senator from Idaho [Mr. CHURCH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Montana [Mr. METCALF], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Wisconsin [Mr. NELSON] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Kentucky [Mr. COOPER], the Senator from Nebraska [Mr. CURTIS], the Senator from Michigan [Mr. GRIFFIN], the Senator from Idaho [Mr. JORDAN], the Senator from Kansas [Mr. PEARSON], the Senator from Vermont [Mr. PROUTY], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The VICE PRESIDENT. A quorum is present.

Under rule XXII, a yea-and-nay vote is required.

The pending question is, Is it the sense of the Senate that debate on the amendment of the Senator from Oregon [Mr. MORSE] to H.R. 14644, the proposed Higher Education Amendments of 1966, shall be brought to a close?

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YARBOROUGH (when his name was called). On this vote I have a pair with the distinguished senior Senator from Mississippi [Mr. EASTLAND]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. BASS (when his name was called). On this vote I have a live pair with the distinguished Senator from Mississippi [Mr. EASTLAND]. If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. LONG of Louisiana. I announce that the Senator from Indiana [Mr. BAYH] and the Senator from Idaho [Mr. CHURCH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Montana [Mr. METCALF], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Wisconsin [Mr. NELSON] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Idaho [Mr. CHURCH], the Senator from Oklahoma [Mr. HARRIS], the Senator from New Mexico [Mr. MONTOYA], the Senator from Wisconsin [Mr. NELSON], and the Senator from Indiana [Mr. BAYH] would each vote "yea."

On this vote, the Senator from Illinois [Mr. DOUGLAS] and the Senator from New Hampshire [Mr. MCINTYRE] are paired with the Senator from Nebraska [Mr. CURTIS]. If present and voting, the Senator from Illinois would vote "yea," the Senator from New Hampshire would vote "yea," and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Montana [Mr. METCALF] and the Senator from Alaska [Mr. GRUENING] are paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Montana would vote "yea," the Senator from Alaska would vote "yea," and the Senator from Texas would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Kentucky [Mr. COOPER], the Senator from Nebraska [Mr. CURTIS], the Senator from Michigan [Mr. GRIFFIN], the Senator from Idaho [Mr. JORDAN], the Senator from Kansas [Mr. PEARSON], the Senator from Vermont [Mr. PROUTY], and the Senator from Texas [Mr. TOWER] are necessarily absent.

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from New Hampshire [Mr. MCINTYRE] and the Senator from Illinois [Mr. DOUGLAS]. If present and voting, the Senator from Nebraska would vote "nay" and the Senator from New Hampshire and the Senator from Illinois would each vote "yea."

On this vote, the Senator from Texas [Mr. TOWER] is paired with the Senator from Alaska [Mr. GRUENING] and the Senator from Montana [Mr. METCALF]. If present and voting, the Senator from Texas would vote "nay" and the Senator from Alaska and the Senator from Montana would each vote "yea."

The yeas and nays resulted—yeas 41, nays 37, as follows:

[No. 293 Leg.]

YEAS—41

Aiken	Jackson	Muskie
Bartlett	Javits	Neuberger
Boggs	Kennedy, Mass.	Pastore
Brewster	Kennedy, N.Y.	Pell
Burdick	Kuchel	Proxmire
Case	Long, Mo.	Randolph
Clark	Magnuson	Ribicoff
Dirksen	Mansfield	Scott
Dodd	McCarthy	Smith
Dominick	McGee	Symington
Fong	McGovern	Tydings
Hart	Mondale	Williams, N.J.
Hartke	Morse	Young, Ohio
Inouye	Moss	

NAYS—37

Bennett	Ellender	Holland
Bible	Ervin	Hruska
Byrd, Va.	Fannin	Jordan, N.C.
Byrd, W. Va.	Fulbright	Lausche
Cannon	Gore	Long, La.
Carlson	Hickenlooper	McClellan
Cotton	Hill	Miller
Monroney	Russell, Ga.	Talmadge
Morton	Saltonstall	Thurmond
Mundt	Simpson	Williams, Del.
Murphy	Smathers	Young, N. Dak.
Robertson	Sparkman	
Russell, S.C.	Stennis	

NOT VOTING—22

Allott	Eastland	Montoya
Anderson	Griffin	Nelson
Bass	Gruening	Pearson
Bayh	Harris	Prouty
Church	Hayden	Tower
Cooper	Jordan, Idaho	Yarborough
Curtis	McIntyre	
Douglas	Metcalf	

The VICE PRESIDENT. On this vote there are 41 yeas and 37 nays.

Under rule XXII, two-thirds of the Senators present and voting not having voted in the affirmative, the motion is rejected.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, by its vote on cloture the Senate has demonstrated and decided that it does not choose to proceed on the issue of home rule in this manner at this time.

In view of the Senate's overwhelming passage of past home rule bills, I do not interpret this vote as lessening in any way the Senate's conviction, already expressed, that self-government is appropriate for the District of Columbia.

But the Senate is now faced with a protracted debate on this amendment at this 11th hour of the 89th Congress. The vote on cloture demonstrates beyond any doubt the utter futility of this effort at this time, as noble as it may seem and as hard as it has been worked for.

As the Senator from Montana I have supported home rule. There is no question in my mind that the people of this city are entitled to the same fundamental right to an elected governing body that is enjoyed by every other American. So I have urged the adoption of every District self-government proposal which has come before this body.

In a few moments I shall move to table the pending amendment. I will do so must reluctantly as the Senator from Montana, but by necessity as the majority leader. The circumstances leave me no choice. I am confident that those who are interested in home rule legislation will renew their efforts early next session.

The action I take today will not diminish that effort or reduce the desire for its enactment.

Mr. President, I send to the desk a motion and ask that it be read but, first, I yield to the Senator from Rhode Island [Mr. PASTORE].

Mr. PASTORE. Mr. President, I listened very attentively to what the majority leader had to say. I think it is fair for me to presume that if he proposes the motion to lay on the table, in all probability he intends to vote in the affirmative, although he already voted for cloture.

Am I correct in that presumption?

Mr. MANSFIELD. The Senator is correct.

Mr. PASTORE. Does this necessarily mean we are sounding this afternoon the death knell of home rule for the District of Columbia?

Mr. MANSFIELD. I would hope not, and I should say no, because I feel quite

certain, as in the past 5 or 6 sessions of this Congress, that a home rule bill will be reported out of the District of Columbia Committee, considered by the Senate, and I would assume the Senate would follow the precedent it set on six previous occasions, and vote overwhelmingly for such a measure.

Mr. MORSE. I want to say, Mr. President, as a lawyer, that when the court hands down a decision against me, I abide by that decision long enough to take my appeal to a higher court. We will appeal the case under the legislative process in the next session of Congress. I have no doubt that the able chairman of the District of Columbia Committee, the Senator from Nevada [Mr. BIBLE] will be introducing again a bill on behalf of the President, come January; and that I will have the privilege—as I had on the last bill—to be one of its cosponsors.

I also have no doubt that the administration will continue to press for home rule in the District of Columbia.

Let me say respectfully and good naturedly that I think the record vote just made in the Senate shows the need to adopt a resolution which I first introduced in 1946, and which I have introduced every session since, calling for a modification of rule XXII by permitting a majority to determine the legislative processes of the Senate, and permitting a majority to close debate after a guarantee, under the provisions of the Morse resolution, of time to debate the merits.

I shall reintroduce that resolution, come next January. I hope, at long last, at the next session of Congress, that the Senate will not only repass a home rule bill but will also, for the first time, pass a modification of rule XXII which will permit the ending of debate by a majority vote. If we had had that rule this morning, the majority which voted for my amendment—but not a two-thirds majority—would have closed debate and we would have been able to get on with the legislative process.

Mr. RANDOLPH. Will the Senator yield briefly to me, then?

Mr. MANSFIELD. I yield.

Mr. RANDOLPH. Mr. President, I wish to reinforce the words of the Senator from Oregon [Mr. MORSE] in reference not only to the subject matter with which we deal today but also with the subject of a majority of Senators, rather than two-thirds of Senators present and voting, allowing the Senate to work its will on legislative measures.

I advocated this majority rule rather than a two-thirds rule before I came to the Senate, and I have not altered my position since I became a Member of this body.

I shall wish to be counted as one of those favoring the rule of a majority to act on legislation in the Senate, rather than spending countless hours in sterile debate of a parliamentary motion. If the Senate has a bill, an act, or an amendment to debate, and a majority wishes to vote on such legislation—whether it be to vote for or against it—then the majority should be allowed to work its will.

Mr. President, each Member of this body comes here on the basis of a majority of the votes of his State, not necessarily two-thirds of the voters having approved of his selection. This is a nation of majority rule, and that principle should be applied to Senate action on legislative matters.

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

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. Mr. President, it is 20 years ago that I introduced the first home rule bill in the House of Representatives. Obviously, it was unlike the bill which is presently before us, or at least engaging the attention of the Senate.

Since that time, we have voted on home rule in the Senate in the 81st Congress on May 31, 1949; in the 82d Congress, on January 22, 1952; in the 84th Congress, on June 24, 1955; in the 85th Congress, on August 6, 1958; in the 86th Congress, on July 15, 1959; and in the 89th Congress, on July 22, 1965.

What happened was that the House was unable to come up with a home rule bill except by means of a discharge petition which secured the necessary names on September 29, 1965. The House passed it, and then the Senate asked for a conference on April 5, 1966. The House conferees were never appointed.

That is the whole story.

I propose to support the majority leader in his motion to table.

Let me say to the Senate, particularly to my colleagues on this side of the aisle, that the majority leader did not urge me to sign the cloture motion. I signed it of my own free will and accord because, having introduced home rule bills before, and having voted a good many times, it did not make any difference to me because my primary concern was to get the Senate buttoned up and out of here.

There will be a meeting later this afternoon to see whether we cannot really bring that about. I think we owe something to one-third of Senators who are out on the hustings campaigning. The Senate will note that there were 24 absent Senators on the vote on motion for cloture. The list will grow longer. The Senate is no longer quite the deliberative body it was. I think the time has come to pull down the curtain and go home. There will be another Congress in January of 1967.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I think what has happened here today will guarantee a fight on rule XXII at the next session of Congress, because in its present form it is lethal in its effect. It was talked down when the civil rights bill was passed in 1964, but it is very damaging and lethal in its effect and should be modified.

I rise only to suggest—and most respectfully—to the Vice President, to the President, and to the leadership of the Senate on both sides of the aisle, that the situation in which the Senate found itself by the rules of the previous Vice President, now the President of the United States, leaves it in a state of complete frustration and doubling back on itself and required to enforce rule XXII instead of amending it.

I believe that the whole country feels the need of a revision of that position right here in the Senate, or we are going to get nowhere.

For that reason—if the Senator from Montana will allow me—I ask unanimous consent to file a memorandum showing the condition in which we find ourselves, and what the judgment of one Senator is, as well as the leadership, as we make up our minds in respect of that matter, if we are to advance the Senate and handle the situation in a constitutional way.

Will the Senator from Montana allow me to do that?

Mr. MANSFIELD. It is not up to me. It is up to the Senate.

Mr. JAVITS. If the Senator from Montana will yield for that purpose.

Mr. MANSFIELD. I would not mind.

Mr. JAVITS. Mr. President, I ask unanimous consent that I be allowed to file this memorandum at a later date.

Mr. RUSSELL of Georgia. Mr. President, reserving the right to object—I understand that this will be the individual views of the Senator from New York?

Mr. JAVITS. Yes.

Mr. RUSSELL of Georgia. I have no objection.

The VICE PRESIDENT. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

Mr. MORSE. Mr. President, I should like to have the attention of the Senate for just 1 minute.

We know what the parliamentary situation is. I am the Senator in charge of this higher education bill. We all know that the minority leader is unanswerably right. We all know that the die has been cast today, and the problem of the Senate now is to move as speedily as it can to get out of session, so that one-third of our colleagues who are up for election can go back to their States and campaign for votes.

I think that the Senate has rendered its judgment. Rather than have the majority leader present a motion to lay on the table, I should like to ask the Senate for its cooperation with the Senator in charge of the bill and to permit me to ask unanimous consent that the amendment be laid on the table, because, let us face it, there are many of us who, on a rollcall vote, would not vote to lay on the table because we would have to consistently go along with trying to get action; but we are not going to get action. It just happens to be one of the realities of the situation.

Therefore, in support of the majority leader and the minority leader, who are in a difficult parliamentary position in trying to get the Senate adjourned, I should like to have the Senate join me in supporting a unanimous-consent request which I now make—although I could do it either one of two ways——

Mr. MANSFIELD. Do it right now.

Mr. MORSE. Mr. President, I ask unanimous consent to lay the amendment on the table.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon? The Chair hears none, and it is so ordered.

Mr. THURMOND. Mr. President, it is gratifying for several reasons that the Senate has seen fit not to invoke cloture on the amendment offered by the senior Senator from Oregon proposing home rule for the District of Columbia.

First, it is very unusual, if not unheard of, to attempt to shut off a debate which had not even begun.

Second, if cloture had been invoked, in all probability, the amendment would have passed the Senate. Our Founding Fathers were very wise to authorize in the Constitution the acceptance by the Central Government of a 10-mile-square area to be the seat of the Government. In that section of the Constitution, they also authorized the Congress to exercise exclusive legislation in this area. There was good reason for our Founding Fathers to make this provision; and, in my judgment, their reasoning is just as valid today as it was at the time of the writing of the Constitution.

The Central Government should have an area under its own control to serve as the seat of the Government. Congress should not be subjected to the pressures of a local government in any of its considerations, and the same holds true for both the executive and judicial branches of the Government. The District of Columbia is in a unique position, and I do not believe that there are compelling reasons to change that position at the present time.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on Public Works was authorized to meet during the session of the Senate today.

LIMITATION OF STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent, with the consent of the Senator from Oregon [Mr. MORSE], and the minority leader, the Senator from Illinois [Mr. DIRKSEN], that there be a brief morning hour and that there be a time limitation of 3 minutes attached thereto.

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

ENROLLED BILL SIGNED

The VICE PRESIDENT announced that on today, October 10, 1966, he signed the enrolled bill (H.R. 15662) to amend the Federal Seed Act (53 Stat. 1275), as amended, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 2444. A bill to authorize the disposal of the Government-owned long-lines communication facilities in the State of Alaska, and for other purposes (Rept. No. 1702).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

H.R. 7648. An act to authorize long-term leases on the San Xavier and Salt River Pima-Maricopa Indian Reservations, and for other purposes (Rept. No. 1703);

H.R. 11775. An act to provide for the popular election of the Governor of Guam, and for other purposes (Rept. No. 1704); and

H.R. 11777. An act to provide for the popular election of the Governor of the Virgin Islands, and for other purposes (Rept. No. 1705).

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PASTORE:

S. 3895. A bill for the relief of Naeemuddin M. Siddiquie; to the Committee on the Judiciary.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 10, 1966, he presented to the President of the United States the following enrolled bills:

S. 801. An act to improve the balance-of-payments position of the United States by permitting the use of reserved foreign currencies in lieu of dollars for current expenditures;

S. 3500. An act authorizing the President to advance to Maj. Gen. Robert Wesley Colglazier, Jr., to the grade of lieutenant general; and

S. 3834. An act to amend chapter 141 of title 10, United States Code, to provide for price adjustments in contracts for the procurement of milk by the Department of Defense.

NOTICE OF HEARING ON NOMINATION OF LANSING L. MITCHELL, OF LOUISIANA, TO BE U.S. DISTRICT JUDGE, EASTERN DISTRICT OF LOUISIANA

Mr. McCLELLAN. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, October 18, 1966, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of Lansing L. Mitchell, of Louisiana, to be U.S. district judge, eastern district of Louisiana, to fill a new position created by Public Law 89-372 approved March 18, 1966.

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

The subcommittee consists of the Senator from Mississippi [Mr. EASTLAND], chairman; the Senator from Arkansas [Mr. McCLELLAN], and the Senator from Nebraska [Mr. HRUSKA].

PUBLIC WORKS APPROPRIATIONS SUBCOMMITTEE FACED DIFFICULT TASK

Mr. HRUSKA. Mr. President, before the conferees meet this afternoon to consider the public works appropriations bill, I wish to make a few comments. The Public Works Appropriations Subcommittee, of which I am the ranking minority member, was faced with a very difficult task this year. Since the President's budget was presented, extreme pressures have been placed upon our economy. Our subcommittee searched for areas in which spending cuts could be made and yet provide the funds needed to conserve and protect our land and water resources. We know that the lives which are lost and the property which is destroyed by floods or the erosion of our soil can never be regained. Yet the subcommittee was faced with the job of sifting the projects to establish a priority so that the most urgently needed and meritorious projects could be funded within the limited amounts allocated for this work.

The chairman of the subcommittee presented a fine report. His experience and knowledge in this area have been developed over many years and through many hours of hearings. His careful and precise study is demonstrated by the report and the action of the Senate.

The result of this work is a bill which is $186,248,800 less than last year's appropriation and $27,829,000 below the President's budget request; so that this vital work is being cut back while expenditures in other areas are increasing. I had misgivings about reducing the amounts provided for this important work because the dollars which could be saved by this action actually are being spent in programs which do not meet the rigorous requirements to which these projects must conform.

Each project which the Corps of Engineers carries out must meet these tests at several stages of development. The Committee on Public Works must adopt a resolution ordering a survey to determine if it is feasible both economically and technically. It must be approved at every level of the Corps of Engineers before Congress considers it for authorization.

Congress must determine the project to be worthy of funds at several stages. The surveys, preconstruction planning, and actual construction require individual appropriations. It is a long process. It is a process which is carried out carefully.

A similar process is required for Bureau of Reclamation projects. Once a project has met these requirements and construction has begun that work must be done economically and in an orderly fashion. Thus, many of the projects funded by this bill are being kept on track so that the many years of the work are not lost through inaction.

In other programs which we are asked to fund no cost-benefit ratio is determined. Individual projects are not given such long and careful examination. The process of assigning priorities used for public work projects should be applied in other areas as well.

Only $1.28 billion of the $4.1 billion in the bill is allocated to the Corps of Engineers for civil functions. Much of that will go for operation and maintenance or general expenses which are more or less fixed amounts which must be provided each year.

The power marketing agencies of the Department of the Interior would receive $466,359,000, the Atomic Energy Commission over $1.9 billion and the Tennessee Valley Authority $63,635,000. In addition the Corps of Engineers is provided with the funds needed to administer the Canal Zone Government and the national cemeteries.

Yet with all these requirements and also the increasing cost of construction, the amount of the bill was reduced. Again, I congratulate the chairman for the conscientious work which he has done. I also wish to commend the chairmen of the two special subcommittees: for the Atomic Energy Commission [Mr. PASTORE] and the Tennessee Valley Authority [Mr. HILL]. They have done a fine job.

I also want to pay tribute to the Senator from Nevada [Mr. BIBLE], who has served so well as acting chairman of the Power Marketing Agencies Subcommittee while our honored and beloved chairman, the Senator from Arizona [Mr. HAYDEN], has been disabled. I also thank the ranking minority member of that subcommittee, the Senator from South Dakota [Mr. MUNDT], for his valuable efforts.

My special appreciation goes to the dedicated work of the committee staff, Ken Bousquet, Paul Eaton, and Earl Cooper of the majority staff, and Ed King of the minority staff. They have provided talented and capable assistance for which we are deeply appreciative.

GREAT SOCIETY PRIORITIES

Mr. McGOVERN. Mr. President, writing in the August 5, 1966, issue of Commonweal magazine, Prof. Seymour Melman of Columbia University offers a provocative analysis of the cost to Great Society priorities now being taken by our heavy allocation of resources to the war in Vietnam.

Mr. Melman's article raises a serious question as to whether a society can afford to dissipate valuable resources in a highly doubtful venture abroad while neglecting urgent priorities at home.

I ask unanimous consent that this article, entitled "Great Society Priorities," be printed at this ponit in the RECORD.

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

GREAT SOCIETY PRIORITIES

(By Seymour Melman, professor of industrial engineering at Columbia, author of "The Depleted Society" (Holt, Rinehart))

The myth of the United States as an "affluent society" is dead. The nation now must face the stern reality of the economic priorities problem: making a choice about what comes first. This is an unfamiliar idea to many Americans, for we have long been taught that the United States is rich enough to afford whatever it wants to do.

Only a year ago, Dr. Gardner Ackley, chairman of the President's Council of Economic Advisers, told us that there is no need to choose between guns and butter as a result of the war in Vietnam. Defense Secretary Robert McNamara placed the prestige of his office behind the public declaration that the United States is an affluent society and can afford as much defense and space spending as it wishes to have.

By January 1966 an unfamiliar drama was being enacted in Washington. It was budget time, and the President, with his aides, was seeking ways of reducing nonmilitary expenditures so that the prior military budget and Vietnam war operations could be funded at expected levels. The main casualty of the budget pruning was the whole gamut of social investments for human betterment, from "war on poverty" to fulfillment of the so-called "Great Society" program.

The Administration requests for housing, health care, and education did not even meet by as much as 10 percent the additional national expenditures needed to bring the work in these areas up to decent standards. New research projects in the biological and physical sciences were scheduled for a cut of about one-third. The budget cutting extended to the school milk program, where the White House ordered (and the Congress restored!) an 80 percent cut from last year's spending of about $110 million. Lyndon Johnson, literally, tried to finance a part of his war in Vietnam by taking milk out of the mouths of children!

What was the reason for this unprecedented zeal by the federal government for cutting civilian spending? The principal clue is given in the following brief summary of the main Great Society budget priorities. The ordinary military budget for the next year is to be about $50 billion. The Vietnam war is approaching a cost of $24 billion a year. The space race to the moon now requires $5 billion per year. These budget items total $79 billion a year—more than three-fourths of our tax payments—and leaves very little for everything else.

The U.S. Gross National Product (GNP) is now somewhat more than $725 billion a year. Nevertheless, while the United States is rich, it is not infinitely rich. Our enormous GNP tends to overshadow the fact that an important part of this money is payment for economically parasitic activity rather than for productive growth. Military and space work is paid for, but yields a product which cannot be used for further production or as part of the current level of living. By this functional test military work is parasitic since it only uses up manpower and materials. The contrast is productive growth: producing goods or services that can be used for further production or for the present level of living. A printing press multiplies its worth many times over in its products.

The concentration of skilled brains and hands in the United States on parasitic growth explains why Watts explodes while the growth of GNP is celebrated in Washington. Although the Gross National Product rises, the number of physicians in private practice per thousand of our population has been declining. A Medicare bill is passed but cannot be fulfilled because the doctors and nurses to do it simply do not exist. The nation needs about 150 medical schools for a decent level of health care: 13 new medical schools have been budgeted in the whole country.

While the GNP has been rising, the number of slum dwellings in New York City has been increasing year by year.

While the GNP grows, important parts of U.S. civilian industry are becoming obsolete because of inadequate reequipment and modernization. (For a general analysis of the depletion process see S. Melman, "Our Depleted Society.")

While the GNP has been rising, largely because of government outlays for economically parasitic work, the international value of the dollar is being jeopardized by sustained out-flow of Treasury gold to pay for military operations abroad.

At the very time that the GNP rises, 21 major cities are named in an official report as probable sites of Watts-type rebellions.

What is the effect of the repeated claim, by Administration spokesmen and apologists, that we can have both guns and butter because we are an "affluent society?" This myth serves as a cover, as a smoke screen, for the operation of a power-extending managerial complex in the federal government.

THE POLITICO-MANAGERIAL COMPLEX

Traditionally, the chiefs of the federal government Executive branch have been political officials whose relationship to the rest of us as citizens has been governed by the system of laws and due process based upon the Constitution of the United States. But the same officials of the federal government now relate to the American people as the managers of the largest economic decision-making unit in the land. The combination of the managerial relationship of employer to employee, and political relationship of government to citizen, in the hands of the same people, is without precedent in the history of the United States.

The federal government now employs directly 5.7 million people (2.6 million civilians and 3.1 million in the armed forces). The federal Executive controls the work of 8 million other Americans—employees of nominally private enterprises under federal managerial control. This means that the economic lives of 13 million Americans in government and in industry are now controlled directly by the top managers who head the federal Executive.

Numbers alone understate the importance of these 13 million Americans, for they include more than half of the research engineers and scientists of the nation, and a large block of highly-skilled people in all other occupational classifications. As a result, the top managers of the federal Executive now control one of the largest single blocks of economic/industrial resources in the world.

In various theories of industrial capitalist society, government has been described as favoring or identifying with business management. These theories require fundamental revision, for the federal government is now, itself, the biggest of big business management, ruling over the largest single enterprise in the land. Like other big business managements, the chiefs of the state managerial complex strive to maintain and extend their decision power—by enlarging the activity, the number of employees, the size of the capital investment, and by ruling over more and more subsidiary managements.

This understanding of the mode of operation of the state managerial complex goes a long way to explain behavior that otherwise is inexplicable. Spending $24 billion a year for operating the Vietnam war is difficult to explain via classical theories about overseas behavior of government in regard to protecting trade or investments. There is no present or predictable trade or investment pattern, either in Vietnam or in nearby countries, which could justify an annual expenditure of as much as $24 billion a year. Neither can this huge outlay be explained simply as a result of long standing cold-war rivalries. This enormous outlay of money and manpower, however, becomes more intelligible if interpreted as a contribution to extending

decision power. For the war in Vietnam extends the decision power of the U.S. state managerial complex abroad while also affording fresh opportunities for extending the scope and intensity of economic and other controls at home. Thus, the federal government's "guidelines" policy enables the Executive branch—without an Act of Congress or Executive Order, and without any form of due process—to regulate wages, prices, civilian capital investment, and the flow of capital abroad. A seizure of decision power of this scope is without precedent in the history of the United States.

For several years there has been a growing awareness of the irrationality of piling up nuclear overkill power: we can now deliver 6 tons of TNT equivalent per person on the planet. No one is about to discover how to kill people or destroy communities more than once. Nevertheless, the spending of as much as $22 billion a year for the further pileup of overkill power continues. This military irrationality, particularly in the hands of a Secretary of Defense who practices "cost effectiveness," defies explanation by ordinary criteria. Once, however, we understand the functioning of the Secretary of Defense as an important member of a state managerial complex that accumulates decision power, then the continued spending of additional billions for overkill is explicable. These billions of annual spending maintain control over a great network of subsidiary firms with millions of employees. By the test of military efficiency the overkill expenditure is preposterous. By the test of servicing the decision-power requirements of the state managerial complex the overkill expenditure is sensible.

The power drive of the federal Executive is not a "plot." Rather it is a consequence of a built-in professional-occupational criterion. A manager who refuses to enlarge his decision power or who acts to diminish such power is regarded as aberrant, hence incompetent.

War making abroad and war preparation at home are emphasized by America's state managerial machine, as against civilian-productive activities, not only because of received ideological and power conflicts, but also because the military operations are the ones that least collide with existing civilian firms—while producing maximum extension of new decision power, at home and abroad.

This professional occupational imperative for wider (successful) managing, and not a failure of individual intelligence, helps to explain the insistent preoccupation of the federal Executive with military-based policies at home and abroad. It is this occupationally-based priority which biases senior officials against considering alternative, but less power-extending, policies at home and abroad. Once great managerial bodies are set in motion along conventional power-extending lines, it is not feasible for single individuals to turn them aside by their own decision. For in that case the single individual is resisted by the managerial hierarchy as a whole as an aberrant type.

The state managerial machine has a selective preference for problem solutions that also serve to extend their decision-power over people. For example: many alternatives have been proposed for operating a military draft; from the whole array of possibilities, Robert McNamara selected the idea of universal service. Such a system would end the discrimination in Selective Service based upon deferring university students. The universal service proposal would also give McNamara and his associates control over the use of about five million young men at a time—at home and abroad. Independently of whatever motivation might have moved Mr. McNamara to this proposal, one *effect* is predictable: it spells an enormous extension of Administration decision-power over our lives!

Again, this sort of behavior of the U.S. government's top managers does not reflect a "plot." Rather, the powerful thrust for ever more managerial control is the normal, proper behavior for the chiefs of great managerial hierarchies. What is new is that the men at the top of the federal Executive have also become the direct managers of their own economic-industrial empire. To the extent that they bend their political choices to serve the managerial extension requirement—to that extent are the foreign and domestic policies of the U.S. government driven in a warlike direction.

The normal functioning of the state managerial complex in the United States government is thus a prime source of sustained concentration of American policy abroad on military-based strategies, and of the priority that is given at home to military industry, military technology, military organization, military ideology, and to political ideology in support of all these activities.

CHANGING PRIORITIES

These analyses suggest two critical requirements for moving our country toward peace. American pro-people and pro-peace politics must proclaim first priority in the use of money and manpower for the pressing needs of our own people. The big cities of the United States, where two out of three Americans live, are concentration points of physical deterioration and pressing race problems. In order to repair urban deterioration, and to bring equal economic opportunity to all our people, the American people require at least $55 billion a year of *additional* annual investment for their most pressing needs: $15 billion per year to eliminate slum housing, $8 billion per year to raise the level of health services, $25 billion per year of additional education spending, and $7 billion more per year for city transit and water supplies. Assuming $8,000 as the average cost of a man-year of work, these productive capital investments will generate more than 6 million new civilian jobs.

This priority policy means that: Watts comes before Vietnam; Harlem comes before the space race; the South Side comes before an antiballistics missiles system; Detroit and Oakland come before overkill. First priority for equal economic opportunity for our people means that ending the slums, medical care, good schools, and job opportunities for our own people are more important than bolstering dictators in Vietnam. The future of America will be decided by the way we cope with the pressing problems of our great cities—where most of us live—regardless of what happens in Vietnam.

First priority for our own people has vivid meaning in every great metropolis of our country. New York City alone, for example, needs more than $4 billion a year for each of the next ten years if it is to do a serious job of replacing its abominable slum dwellings. Bringing education and health care in the city up to a reasonable standard will surely cost at least $1 billion more per year. In 1966–67 the whole city budget amounts to $4.5 billion. So New York City alone needs $5 billion more per year for the most essential needs of its people.

Where can the money come from? Right now there isn't a chance of getting this sort of money from increased taxation. Money of this amount must come to the City by transferring taxing power that has been arrogated by the federal government, back to the City to be used for its purposes. The basic needs of the nation's large cities require at least $55 billion of new money for housing, education, and health. Therefore federal taxes should be reduced $55 billion, with that much taxing power to be tapped by our cities and states.

I am not implying that the federal government be left without responsibility for domestic economic development. On the contrary, the federal government is needed to sponsor economic development for the Appalachias and the Mississippis and other areas that are unwilling or unable to initiate constructive development for their people. But this is not the condition of the great cities of the United States. Here there is sufficient talent for doing the necessary work—provided that the taxing power now held by the federal government in the amount of at least $55 billion a year is freed to be used by the governments of the great cities for priority economic purposes.

This reduction could be done over a five-year period, in annual increments of $5, $7.5, $11.5, $14.0, and $17 billion. Under the Constitution (Art. 1, Sec. 10) the governments of the states (and cities) are forbidden to make foreign treaties or to raise armies. The governments of the cities and the states may not commit our men and money for the support of foreign dictators or for foreign military adventures. No city or state government is empowered to establish a C.I.A. abroad. With one stroke the act of reducing the federal money power would make possible constructive economic development in our great metropolitan centers, while also reversing the dangerous accumulation of decision power by America's state managerial machine. (Many Americans will have to revise their view of the proper role of federal government. During the 1930–1950 period the issue about government was: should federal power be used as an instrument of community responsibility to look after people or institutions that could not help themselves? Today, the issue is: how much centralization of power is compatible with freedom in society?)

New priorities for America, and the decentralization of government power to implement them, are natural attractions for the mayors of Metropolis and for the tens of millions of citizens who require that we stop the deterioration of our cities and give first place to fulfilling the promise of equal opportunity for all our people.

Once new priorities have been determined and the means for implementing them have been agreed, then it will be possible to formulate and implement allied policies at home and abroad that are consistent with these new priorities. The military budget can be reduced. International, controlled disarmament will be encouraged. The United States, with constructive policies at home will be able to share in the support of economic development, instead of dictators, abroad.

These two proposals are part of the same policy: giving new hope for peace—for life and liberty in this land.

DEATH OF C. BLAKE HIESTER

Mr. DOMINICK. Mr. President, a recent tragedy in our State has personally affected me not only because of the death of one of my very good friends but also because his loss is a definite blow to one of the outstanding people-to-people programs originating in Colorado.

C. Blake Hiester, a prominent Denver lawyer and a person of warmth and great capability, lost his footing and fell to his death during a mountain-climbing expedition with his son on Long's Peak.

Blake was one of the early leaders in Denver of the people-to-people program which has contributed so much to international understanding. He was chairman of the Denver-Brest committee during its initial stages and was instrumental in establishing this particular sister city program. His leadership in the

people-to-people program was truly outstanding and he was genuinely interested in "building bridges of friendship" on an international level. He was a personal diplomat for our country in the finest traditions of the people-to-people programs.

Blake obtained his bachelor of arts degree from the University of Colorado in 1940. He attended Catholic University Law School and received his bachelor of law degree from the University of Denver Law School in 1949.

He entered the Army as a private in 1941 and rose to the rank of major before his discharge in 1947. He took part in the invasion of France in 1944. His service in France with the military police and the American military government led to his decoration by the French Government with the Legion of Honor and the Croix de Guerre for outstanding service to the French people in the combat area. After the war he was transferred to the U.S. Claims Department in Paris and helped draft some of the treaties settling disputes that arose from the war.

He married Jeannine Dessertenne, a French citizen and resident of Paris, France, now an American citizen, in 1945. Their five children are: Richard 18, Charline 17, Daniel 14, Patrick 12, and Philip 5.

He was a member of the American Bar Association, Inter-American Bar Association, Colorado Bar Association, Denver Bar Association, and Law Club of Denver. He served as president of many organizations in Denver and was on the board of directors of several prominent corporations.

THE PRESIDENT'S POLITICAL FORTUNES

Mr. McGEE. Mr. President, Newsman Howard K. Smith, writing in the Evening Star of Washington on October 9, has analyzed the popular idea being bandied about in the public media that our President's fortunes have declined. Not so, says Smith, who makes the point that the course of action which President Johnson has taken in both Vietnam and in the civil rights field here at home have a good chance of being confirmed as wise courses of statecraft, while our economic condition remains strong and flexible despite much talk to the contrary in some quarters.

Mr. President, I ask unanimous consent that Mr. Smith's column be printed in the RECORD.

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

JOHNSON'S WISE STATECRAFT

(By Howard K. Smith)

When a political truism becomes so widely accepted that people stop questioning it, it is time to begin doubting it. The most thoroughly solidified political theme of this year is that President Johnson's fortunes have declined nearly disastrously. No magazine has failed to commission itself an article about this melancholy turn, and no commentator has neglected to analyze it to pieces.

But is it so? Well, not entirely. The best way to put it might be to say of the President's political fortunes what Churchill once said of democracy—his situation is the worst there is, except for everybody else's.

For example, it looks increasingly as though the President's side may lose the off-year elections—without the Republicans winning them. If the Democrats lose 25 seats in the House of Representatives, the President is bereft of his great voting leverage in Congress. But the gain by the Republicans would not even restore them to the position of permanent inferiority they started with in 1964. Even if the Republicans win 40 seats, they will only be back where they were—hardly a triumph. That may not mean, as Mr. Nixon has predicted, the extinction of the G.O.P. But it would be a pretty unhappy starting position for the greater battles of 1968, with the President commensurately well off for opening the affray.

Moreover, all that is capable of national interpretation in the fragmented off-year primaries shows tides at work which promise Republicans a lot of philosophical trouble. Increasingly a national leader of strong moderate stamp is being propelled to the top. But increasingly the party itself is gravitating towards the right. While Gov. Romney looks better and better as a national chief, men who agree with him are being rejected, like Gov. Smylie of Idaho who was ousted in his party's primary in favor of an ultra-conservative. From Ronald Reagan in California across Buz Lukens in Ohio to Steve Derounian in New York State, men identified with the Goldwater disaster of 1964 are being renominated for office. The party is in serious danger of having a candidate without a party on his side, or a party unable to accommodate its national leader.

In the South, the one region where 1964 brought strong new GOP organizations, the party now threatens to come unstuck. Dissident Democrats have outflanked promising new Republican nominees on their right wing—John Rarick in Louisiana, Jim Johnson in Arkansas, and George Wallace, by proxy, in Alabama. If Wallace carries out his intention to run for President in 1968, Republican hopes of winning enough votes to beat President Johnson will dissolve.

Meanwhile, the great issues that trouble the nation today have every prospect of going the President's way in 1968. We tend to feel sorry for our plight now in Viet Nam. But perspective may make it clear that 1966 was the year when the Communists came closest to winning, but then lost irretrievably. The prospect of a drastic turn against them or in favor of negotiation is almost a probability.

At home the present disaster in the Civil Rights movement is bound to be a temporary thing. A minority stuck with a mere 10 percent of voting power cannot long pursue the course of racial isolationism pursued by its new demagogic leaders. At the same time, in a world of mainly colored people, the U.S. cannot fail to assure Negroes of equal status.

In short, the courses the President is criticized for in Viet Nam and in Civil Rights have a good chance of being confirmed as wise courses of statecraft.

This thing many people worry most about, the state of the economy, is probably the least difficult long range problem. Prices have risen here, but only 8 percent in six years compared to increases of from 17 to 39 percent registered by West European countries. The economic growth rate is excellent. A downturn, if it began, would be pretty easy to pull out of.

In a sentence, in our untidy imperfect world of sometime trends, the President's is about the best political position around. Some grossly unpredictable event—like a Chinese invasion of Viet Nam—could alter it, but insofar as present actualities indicate future developments, the magazines would be wise to delay preparations for that funeral; the corpse may be too busy to take part.

NORRIS COTTON—LIKE ANNEALED IRON

Mr. HRUSKA. Mr. President, it was my privilege several days ago to make the keynote address at the State convention of the Republican Party in Concord, N.H., where I was introduced by my good friend, NORRIS COTTON.

This event was recorded in the pages of the Concord Daily Monitor by that paper's veteran political reporter, Leon W. "Andy" Anderson. The only fault I can find with the article is that it is about the introducer and not the speaker.

Nonetheless, Mr. President, because Andy Anderson has caught so well the spirit and personality of the Senator from New Hampshire, I want to share his column with the Senate.

Talking with me about Senator COTTON, Mr. Anderson said:

COTTON has long been one of our stalwarts. He's the sort who has had his ups and downs, and like annealed iron, is the better for it.

I ask unanimous consent, Mr. President, to have the column printed in the RECORD.

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

THE STATE'S MY BEAT

(By Leon W. Anderson)

There's only one Sen. NORRIS COTTON—and perhaps it's just as well.

He purred in high gear in introducing the keynote speaker at this week's Republican State Convention.

So much so that a young reporter, new to our political arena, asked us twice, in whispers, if we were sure that COTTON was not himself the keynoter.

We smiled. It was only COTTON at his best. He always spouts like a village pump when introducing distinguished guests to Republican gatherings and most folks like it that way.

COTTON is soothing. He can make Republicans feel good without saying much of anything. He's a born orator and can toss platitudes so they mirage pie-in-the-sky and moonlight on the pumpkins.

But COTTON'S not a softie. He's a coldly practical politician from way back, having learned his political ABC's from the late Sen. George Higgins Moses, one of New Hampshire's all-time great spokesmen at Washington.

COTTON'S candor is enlightening. He told the convention delegates that for a first time since 1962 he has become "completely convinced and completely optimistic we will win New Hampshire back into the Republican column."

COTTON disclosed he got that way by viewing the party's four top nominees on a television panel program last Sunday night. He said the way they shaped up gave him the new feeling.

All of which means, of course, that Sen. COTTON was like most Republicans in 1964 when they did not think ex-Sen. Goldwater could drag the party out of the wilderness.

COTTON again called upon the Republican state Legislature to kill a law permitting "straight ticket" voting in elections.

He said this Republican political device has boomeranged against the GOP in recent years. COTTON said the Democrats have made hay by telling adherents to vote a straight ballot, with a single cross, to avoid "spoiling your ballot."

COTTON said the same thing two years ago. And he said the same thing 21 years ago when he was Speaker of the House of Representatives.

COST OF VIETNAM WAR RISES

Mr. McGOVERN. Mr. President, the rising cost of the Vietnam war in lives lost on both sides is graphically portrayed in an article appearing in the Sunday, October 9, Washington Post under the byline of Mr. George C. Wilson.

I continue to feel that we are on the wrong course in Vietnam. There is no U.S. interest nor any U.S. commitment that justifies the heavy losses which our men are experiencing and the even more extensive devastation that is being visited on the people of Vietnam because of our growing military involvement.

I hope that Members of the Congress will ponder thoughtfully the words and the statistics contained in Mr. Wilson's article. I ask unanimous consent that the text of this article be printed at this point in the RECORD.

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

WHERE DO WE GO NEXT IN THE TIT-FOR-TAT WAR?

(By George C. Wilson, Washington Post staff writer)

Secretary of Defense Robert S. McNamara makes his eighth on-the-spot assessment of the Vietnam war this week to help formulate the answer to the key question: "Where do we go from here?"

The sobering backdrop for the discussions which will shape the answer is the record of two years of his controlled escalation, or tit-for-tat, war strategy.

President Johnson implemented the strategy Aug. 4 and 5, 1964, when he ordered Navy planes to bomb North Vietnamese coastal bases and patrol boats in retaliation for a second attack by North Vietnamese PT boats on two United States destroyers in the Gulf of Tonkin.

At the time of that incident, there were fewer than 23,000 United States servicemen in South Vietnam. Congress, on Aug. 10, 1964, set the stage for escalation by adopting the Gulf of Tonkin resolution. It pledges congressional support of the President for "all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

Now the official total of United States servicemen in Vietnam is 316,400.

This 14-fold increase in manpower is still on the way up. It will hit the 400,000 mark by mid-1967 under present Pentagon plans. What the troop commitment should be after that is one of the decisions to be made partly on the basis of talks this week between McNamara and his military leaders in the field.

If it is agreed that infiltration of troops from North to South Vietnam must be sharply reduced, military commanders feel that they must have a force of between 600,000 and 750,000 men.

What Army Gen. William C. Westmoreland, military commander in Vietnam, requests in the way of men, and what the services can give him, are two different figures. Despite McNamara's disclaimers, the buildup of forces in Vietnam has not been as fast as Westmoreland wanted. Whether the lag was crucial to his battle plans is something historians will argue about.

As in the past, the pace of any future buildup will depend much on how fast the services can train men for Vietnam and have equipment produced. President Johnson's decision against activiating reservists for fear of alarming the country and the rest of the world has forced the Army to put aside its contingency plans for wars like Vietnam and transform combat divisions into training camps for trainees.

Given enough time, this Johnson-McNamara manpower system could build the forces to the desired level. But President Johnson will have to be persuaded that going above 400,000 men will pay. His present inclination appears to be to level off.

The fact—and it is a fact—that the Pentagon has not decided yet what the force level should be after mid-1967 illustrates the cut-and-try nature of United States strategy in combatting this first "war of liberation."

The same "show me" attitude of McNamara and the President will also dominate discussions on where to go next in the air war. The bombing has failed to live up to its advanced billing in several respects.

First, thousands upon thousands of tons of bombs have not blasted the North Vietnamese government out of its militant stance and toward the peace conference table.

Second, it has not reduced the infiltration of troops from North to South Vietnam—by the Pentagon's own admission.

Last February, Rep. ROBERT L. F. SIKES (D.-Fla.) asked McNamara during Senate Defense Appropriations Subcommittee hearings: "What do our forces propose to do to seal off the Ho Chi Minh trail?" (The trail is really a network of paths which enemy troops travel to get from North to South Vietnam.) "Our bombing campaign against the North," McNamara responded, "has that as one of its primary objectives."

When this exchange took place, the Defense Department estimated that the infiltration rate was 4,500 troops a month. The department estimates that right now the infiltration rate is 5,000 a month. So by the Pentagon's own statistics, the bombing failed in this respect.

In May of this year, McNamara backed off that February statement by telling the United States Chamber of Commerce convention here that the 4,500-a-month infiltration rate is "perhaps three times the level of last year, but that doesn't say that we haven't reduced the supply of men and equipment.

"We don't know what it would have been if we hadn't been bombing," McNamara said.

"We never did believe," McNamara told the Chamber delegates, "and we don't believe today that the price they pay in the North will destroy their will to carry on operations in the South as a result of our bombing."

REASONS FOR BOMBING

This raises the question of why continue to bomb in the North at all. McNamara has said there are three basic objectives of the bombing: (1) raise the morale of the South Vietnamese; (2) reduce the flow of infiltration or increase its cost; (3) push North Vietnam's leaders toward the conference table.

At most, only the first and half of the second of these objectives have been achieved. The Air Force line is that the infiltration of supplies has been greatly reduced.

Again—as in the case of manpower—McNamara and the President are reluctant to escalate the bombing.

As for going the warhawk route and using tactical nuclear weapons in Vietnam, McNamara told the Senate Defense Appropriations Subcommittee last February: "I can conceive of no circumstances in which their use in South Vietnam would be to our advantage."

Unfortunately, McNamara's past words have not always proved to be a reliable guide to the course of the war. He told Congress early this year that bombing the petroleum centers near the harbor of Haiphong was of no "fundamental consequence" to the United States war effort. They were bombed several months later.

But given President Johnson's attitude, the signs here point to no major escalation of the bombing in the near future.

UNITED STATES BOMBINGS IN VIETNAM

This table shows Defense Department estimates of the number of bombing missions and sorties flown by United States pilots over North and South Vietnam. A mission is a group of airplanes flying a single attack on a target and back to a base. A sortie is a lone airplane making the attack. The Defense Department releases only missions flown over North Vietnam, not sorties. But statisticians figure that multiplying the number of missions by 3.5 approximates the number of sorties.

B–52 raids are not included. As of Sept. 14, B–52s had flown 5000 sorties and dropped 95,000 tons of bombs—almost all in South Vietnam.

Bombings on North Vietnam this year

Month	Air Force	Navy	Marines	Mission equivalent	
				Total	In sorties
January	2	2		4	14
February	201	352		553	1,935
March	614	570		1,184	4,144
April	636	845		1,481	5,183
May	457	858		1,315	4,602
June	1,245	857		2,102	7,357
July	1,771	1,019	62	2,852	9,765
August	1,650	1,604	179	3,433	12,015
September	1,914	1,593	114	3,621	12,673
Total	8,490	7,700	355	16,545	57,688

Air attacks on enemy in South Vietnam this year [1]

	Air Force	Navy	Marines	Total
January	162	114	74	350
February	4,682	3,028	2,898	10,608
March	5,962	3,467	3,708	13,137
April	3,354	3,233	3,192	9,779
May	4,413	2,877	2,841	10,131
June	5,193	3,543	3,061	11,797
July	5,250	2,461	4,124	11,835
August	7,111	332	4,457	11,900
September	7,017	(2)	5,189	12,206
Total	43,144	19,055	29,544	91,743

[1] South Vietnam air attacks are figured only in sorties.
[2] Navy stopped flying sorties after Aug. 5.

BUILDUP OF U.S. FORCES IN VIETNAM

Total of United States forces in Vietnam at the end of 1960 was 773; at the end of 1961, 1363, and at the end of 1962, 9865. The following table of Defense Department figures does not include the 40,000 to 50,000 Navy men on ships off Vietnam's shores.

Date	Army	Navy	Marines	Air Force	Total
Dec. 31, 1963	11,000	700	500	4,300	16,500
Dec. 31, 1964	15,000	1,100	900	6,000	23,000
Nov. 20, 1965	101,000	8,450	39,100	17,150	165,700
June 25, 1966	164,000	17,000	54,000	38,000	273,000
Oct. 1, 1966	193,000	21,400	56,000	46,000	316,000

CASUALTIES IN THE VIETNAM WAR

These are Defense Department figures on the casualties from 1960 through September, 1966, in the Vietnam war. The figures do not include servicemen who died in accidents or from disease. In addition, there have been 357 men killed and 962 wounded among forces from Australia, New Zealand and South Korea. Philippine forces are serving in noncombat roles.

In the Korean War, there were 33,629 United States servicemen killed and 103,284 wounded in combat.

Year	United States		Republic of Vietnam		Vietcong	
	Killed	Wounded	Killed	Wounded	Killed	Captured
1960			2,200		6,000	8,000
1961	1	1	4,000	5,000	12,000	6,000
1962	31	74	4,400	7,300	21,000	5,500
1963	77	411	5,700	12,000	21,000	4,500
1964	146	1,038	7,500	16,700	17,000	4,200
1965	1,365	6,110	11,000	21,600	35,000	6,200
Total	1,620	7,634	34,800	62,600	112,000	34,400
1966:						
January	282	1,318	747		2,600	588
February	433	2,622	1,016		4,700	508
March	506	2,956	938		5,700	604
April	311	2,469	574		3,800	480
May	462	2,879	661		4,200	650
June	503	2,774	860		4,800	750
July	435	2,324	860		5,500	445
August	395	2,472	722		5,860	925
September	419	2,679				
1966 total	3,746	22,493	6,378		37,160	4,950
Grand total	5,366	30,127	41,178		149,160	39,350

BIG BROTHER

Mr. LONG of Missouri. Mr. President, I have on many occasions referred to the recent Federal Communications Commission ruling outlawing the use of radio transmitters for many eavesdropping purposes. This is a small, but important, step toward curbing the extensive use of electronic devices for eavesdropping purposes. But I am afraid the FCC ruling has not been very effective. Mr. Robert M. Hutchins, writing in the March 13, 1966, issue of the Houston Chronicle, gives several reasons for the weakness of this new ruling. I ask unanimous consent to insert at this point in the RECORD Mr. Hutchins' article and an editorial from the Klamath Falls (Oreg.) Herald and News which discusses the recent FCC ruling.

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

[From the Houston (Tex.) Chronicle, Mar. 13, 1966]

EAVESDROPPING DEVICES AND COMPUTERIZED MEMORY BANKS

(By Robert M. Hutchins)

Not long ago an advertisement appeared in the New York Herald Tribune featuring a device that "permits two or more people to listen in on a phone conversation without the other party knowing it . . . A fun buy at $4.75."

This kind of fun the Federal Communications Commission has now undertaken to prohibit—except when the police are enjoying it.

So far so good. But it is not nearly far enough.

In the first place, why should the police have fun of this kind? They are at present large buyers of electronic eavesdropping equipment. Where there are laws or regulations prohibiting its use, the police notoriously violate them. The Federal Communications Commission may have thought it did not have the power to interfere with other agencies of government—but Congress and the state legislatures should give somebody the power, and soon.

In the second place, the FCC has proposed no adequate program of enforcement. Evidence illegally obtained is inadmissible in a criminal prosection. But this rule applies only to the introduction in evidence of the items actually gathered illegally; it does not prevent building a case illegally, a case founded on knowledge obtained by the most outrageous violations of privacy.

No effective procedure and no effective punishment have been devised to bring offenders, either private persons or "law enforcement officers," to justice. As for the FCC, its program of enforcement will do little to diminish the enthusiasm with which the violators of privacy go about their interesting and profitable work.

In the third place, the field into which the FCC is moving is a small part of the whole. The commission can deal only with devices that emit radio waves or that use public communications systems. Admittedly, these add up to a lot. There are cuff-link microphones, fountain pen microphones and microphones dangling from fishing lines. A microphone was patented the other day that is the size of an aspirin tablet.

In addition, there are tape recorders that are for all practical purposes invisible and that can be started by the sound of the human voice. These recorders probably cannot be reached by the commission under its present definition of its powers.

Nor can the commission cope with the infinite memory banks that are being built up in more and bigger computers, storehouses of information about everyone and everything he ever did.

For example, experiments are now being conducted that eliminate cash transactions by telephonic communication in which the computers make all the debits and credits. The tendency will be to develop a computerized record of every action of every citizen's life. This information will be instantly retrievable.

Electronic devices make it possible to keep an individual under constant surveillance all his life. The computer makes it possible to record everything he does. It will all go into the infinite memory bank. Who will have access to it?

The constitutional law of privacy is not worked out. In the Connecticut birth control case, some justices of the Supreme Court began to insist that privacy was protected by the Bill of Rights. These justices held the statute unconstitutional on the ground that it could not be enforced without putting a policeman into every bedroom.

This new attitude in the court and the new rule of the FCC are promising. But we have a long way to go.

[From the Klamath Falls (Oreg.), Herald and News, Mar. 29, 1966]

EAVESDROPPING PERSISTS

Discussions and investigations, in Washington and elsewhere, about eavesdropping with cute little electronic snoopers, might have led one to conclude that by now the devices would have sunk to such a low level of favor they would not be heard from again. Not so.

It is against a federal law to wiretap a telephone and an eavesdropper caught doing it could get a two-year jail term and a $10,000 fine. New rules just laid down by the Federal Communications Commission also make it illegal to "bug" a room using the medium of radio transmission.

But the FCC rules apply only to private snoopers. There are thousands of eavesdropping devices used by state and federal government bodies. These agencies are not covered by the limitations.

Then, there is the matter of cost. FCC regulations impose a $500 per day fine upon conviction, but in the case of industrial or military eavesdropping, competitors and enemies would gladly pay such costs for the information.

For sheer ingenuity, however, it is difficult to beat the arrangement offered for sale by a New York electronics specialist. This device attaches to a telephone line where it will not be noticed. The eavesdropper calls the subject's number and simultaneously blows a note from a harmonica into his mouthpiece. This turns the telephone at the other end of the line into a microphone, using the diaphragm to absorb all the sounds in the room.

The telephone in the room under surveillance will not ring, and if someone should lift the receiver to make a call, the eavesdropping device automatically cuts off—thereby, presumably, satisfying requirements of the federal law against eavesdropping.

Doubtless, many other devices are available to the person who is in the market for this type of product, but he will have to search far and wide to surpass the one just described.

Overcoming privacy, it seems, presents a challenge to the wildest imaginations.

COMMUNIST THREAT TO THAILAND

Mr. JACKSON. Mr. President, in our deep concern about southeast Asia and

Vietnam in particular we cannot and should not overlook the threat to Thailand.

Mr. President, the Communist move against Thailand is underway. There has been a marked rise in terrorism since 1964—externally supported from Peking and Hanoi. The Communists are obviously hoping to create in Thailand another of their so-called wars of national liberation.

The Thai have made no attempt to exaggerate this threat. Incessant Communist propaganda, training of Thai insurgents in Hanoi and Peking, and basing of a clandestine radio in China beamed at the Thais are clear evidence of the threat.

On the other hand, there are great strengths in the Thai nation and the Thai Government which encourage one to believe they can meet this challenge to its authority. As has been pointed out, Thailand has no colonial past. Thailand's King is popular, in fact, enjoying such prestige that the Communists avoid attacking him in their propaganda. Thailand is a united country, both geographically and in the sense of religious and ethnic unity—5 percent are Buddhists.

Thailand has a strong agricultural economy. Eighty-five percent of the farmers own their own land, and while there are pockets of poverty in the northeast, there are few deeply felt economic grievances in the country at large.

Currently the economy is growing rapidly, over 7 percent a year in the last 5 years, and per capita income has grown by 25 percent in the last 8 years.

In short, Thailand is a true nation, determined to defend its national independence and able to recognize and act to meet external threats to that independence.

It is because it does recognize the continued expansion of communism in Asia as a mortal threat to its own independence that Thailand has agreed to having American forces on its soil, forces which make a vital contribution to the strategic posture of the free world in southeast Asia.

As I see it, Thailand's policy is determined primarily by a careful reading of the Communist threat and a decision that the only way to meet it successfully is through collective security among free world nations.

DEATH OF J. SAM FAUBUS, OF COMBS, ARK.

Mr. FULBRIGHT. Mr. President, on the death recently of Mr. J. Sam Faubus, of Combs, Ark., my State lost one of its most discriminating, wise, and sincere citizens. Over the years, Sam Faubus was a cordial and helpful correspondent. I have enjoyed his comments, which were always based upon a deep insight into human nature and were the result of a keen, analytical mind. His classic statement entitled, "Man," which I referred to in one of my publications, inspired many interesting letters. At his request, however, it was not attributed to him at the time.

I shall miss Mr. Sam very much; he was indeed an outstanding and unique gentleman. He was my friend, and I shall miss him.

I ask unanimous consent that the story of his death, which was published in the Arkansas Gazette, be printed in the RECORD, together with an editorial from the same newspaper.

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

[From the Arkansas Gazette, Aug. 25, 1966]

SAM FAUBUS DIES AT AGE 78—FOLLOWED POLITICS, EDUCATED HIMSELF

John Samuel Faubus, aged 73, of Combs (Madison County), the father of Governor Faubus, died Wednesday at the Huntsville Hospital after a lingering illness. The governor was at his father's bedside and had been with him since the elder Mr. Faubus' release from a Little Rock hospital late last week.

A progressive case of Hodgkin's Disease had hospitalized Mr. Faubus repeatedly for several months.

Mr. Faubus was born, reared, lived most of his life and died in the mountains near Combs. Despite this rural mountain background, he was well educated through his own extensive reading and maintained a keen interest in politics—national and international—as well as the politics of his son, with whom he did not always agree.

He admitted once to having voted for Herbert Hoover and to having been a Populist in the years during World War I. He was arrested in 1918 by the government agent on a charge of distributing seditious literature and uttering "numerous disloyal remarks" concerning conduct of the war but nothing came of the charge.

He was identified by a Gazette account of the arrest at that time as having been "long the Socialist Party leader in Madison County and is alleged to have championed the cause of the IWW (International Workers of the World) and the anarchist elements in his Party." The charge of socialism may have stemmed from his support of woman suffrage, an eight hour day, Social Security and the Agricultural Extension Service, and his opposition to the poll tax.

He once told newspapermen that he became a liberal because when he was young he worked as a railroad tiemaker at 10 cents an hour. "I don't like slave labor, and that's just what it was."

In more recent years Mr. Faubus espoused the Democratic Party with fervor, displaying a photograph of the late President John F. Kennedy on his living room wall—along with those of his famous son and family.

Mr. Faubus was the son of Henry Faubus, a farmer, and Malinda Sparks. Henry Faubus died in 1901 and Sam Faubus' mother later married John Nelson.

Sam Faubus married Addie Joslin in 1908 and she bore him seven children, the oldest of whom was Orval Eugene Faubus. Mrs. Faubus died in 1936 and Sam Faubus later married Mrs. Maudie Wonder of near Combs, who had three children by a prior marriage.

SETTLED NEAR COMBS IN RENTED LOG HOUSE

After his first marriage, Mr. Faubus settled near Combs in a rented log house, where Orval was born, in a community called Greenwood (Greasy Creek). He moved in 1910 to a 160-acre farm that he homesteaded, adding to it in 1925 the adjoining property where he had lived as a child. He moved his growing family into his old home.

Mr. Faubus spent most of his life as a farmer and timber worker. For several years he followed the seasonal wheat harvest in the Midwest and for two years worked in lead mines near Picher, Okla.

He went to the Northwest in 1936, working as a lumberjack near Omak, Wash., later in a defense plant near Fullerton, Cal., during World War II. Then, he returned to his Madison County home to raise broiler chickens, the activity that occupied him until illness forced him to give it up about two years ago.

He had walked only with the aid of crutches the last 10 years of his life. However, as recently as the spring of 1966 he helped his wife plant and care for a garden, hoeing as he crawled on his knees from row end to end.

WAS A JP, SERVED ON SCHOOL BOARD

The only political offices he ever held were as a justice of the peace of Mill Creek (Combs) Township and at various times as a member of the Greenwood School Board. He greatly admired President Franklin D. Roosevelt and supported Presidents Harry S. Truman, Kennedy and Johnson.

Mr. Faubus completed only the fourth grade in the rural one-room schools of his early childhood. However, books and newspapers were an essential part of his existence.

A prolific writer of letters to newspapers, Mr. Faubus also composed poems, some of which were published in various newspapers and other publications. One of the most recent of these was one called "Two-headed Beast," and it appeared as a reprint from "Labor", a newspaper in the Arkansas Union Labor Bulletin July 1:

"Through all these years
Of hopes and fears
It has been my greatest ambition

To strike a blow
Against our foe—
Ignorance and superstition.

The two-headed beast
Has been able to feast
Upon the simplicity of the masses.

It has kept us prone,
Our noses to the stone,
And divided the world into classes.

Let us build schools
To eliminate the fools
And teach us to do our own thinking.

When dictators come along,
Preaching to the throng,
We'll turn them down without blinking."

[From the Arkansas Gazette, Aug. 26, 1966]

SAM FAUBUS

Sam Faubus was one of those delights to the soul—an old man whose political convictions had not taken a turn to the Right as he grew older and as the material lot of "his and his'n" improved. This may have been partly because his material lot took so long in the improving, but only partly, we think.

The clever saying is that a man who is not a socialist before the age of 30 has no heart and that one who remains or becomes a socialist after 30 has no head, but, like most clever sayings, this one does not say enough. We do not know whether the senior Mr. Faubus was ever a socialist, and do not greatly care. We do know that he had a head, as well as a heart, and that he was exercising it right up to the end.

Sam Faubus was, in addition, one of that comparatively rare company of men, who, having little formal education themselves, do not pretend to despise it in others, but quite frankly value it all the more. He had no real choice but to act as if education were, indeed, the only answer, even while possessing the wisdom (which has nothing to do with education) to be aware that there very well might not be any answer.

Like the eldest son who was to become so famous in his own fuller time and place, Mr. Faubus was a survivor of a time when the

country correspondence columns of small-town newspapers would report that So-and-so had "found employment"—any kind of employment, anywhere. ("Write if you get work" was the familiar farewell note of the period.) He had followed the harvests. He had worked at Fullerton, Cal., a place-name that was (and still is) quite familiar to readers of the state's country correspondence columns. He had worked in the sink-hole that is Picher, Okla., which at last accounts was, literally, sinking into the earth as a consequence of the depredations of the scavenger miners. He survived these and other hard times with what we regarded as a minimum of bitterness, though none of it was calculated to do much to alter the political beliefs he had started out with.

It does not violate anybody's confidence now to reveal that Sam Faubus had contributed to the Gazette's From the People column (under the pseudonym, "Jimmy Higgins") at fairly frequent intervals in recent years, though not for some time before the period of his final illness.

If he had lost patience with us, for the most obvious reason, we hope it will not sound patronizing to say that we never for an instant were put out with him. We understood, and did not blame him, and, in fact, might possibly have blamed him if it had been otherwise.

It would be presumptuous to say that we really "knew" Sam Faubus. We knew him only from his writings, and from what was written and said about him. And it would be precious—and, worse, dishonest—to pretend that we would have had the detailed interest that we had in all that Mr. Faubus thought and felt and said, if it had not been for that famous son. At the same time, it must also be said that the Gazette has always prized all its "regular" contributors to the letters column, and Mr. Faubus is not the first one of the old breed to be memorialized here in the editorial columns.

If we were to accept the gloomy view that all of us are on an accelerating toboggan—which we do not and which we do not believe Sam Faubus did—we should have to cite as one sign of decline the fact that there aren't many Sam Faubuses around any more. We suspect, though, that there never were. By this we mean that we suspect that Sam Faubus would have stood out in any time, that of his own father, his father's father, anytime.

Mr. FULBRIGHT. I ask unanimous consent, also, Mr. President, that the essay "Man" be printed at this point in the RECORD. It is one of the most thought provoking and stimulating commentaries on the current status of man that I have seen.

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

MAN

(By Jimmie Higgins)

Man is a queer animal, like the beasts of the fields, the fowls of the air, and the fishes of the sea, he came into this world without his consent and is going out the same way.

At birth he is one of the most helpless creatures in all existence. He can neither walk, talk, swim nor crawl, and has but two legs while most other animals have four. Unlike other animals he has no covering for his body to protect it against the bite or the sting of poisonous insects, tooth or claw of ferocious beasts save a little hair which appears about his body only in patches.

With all his limitations he yet has one advantage over other animals—the power of reason, but history shows that he often discards that for superstition. Of all the animals on earth, man has shown himself to be the most cruel and brutal. He is the only animal that will create instruments of death for his own destruction.

Man is the only animal on all the earth that has ever been known to burn its young as a sacrifice to appease the wrath of some imaginary deity. He is the only one that will build homes, towns and cities at such a cost in sacrifice and suffering, and turn around and destroy them in war.

He is the only animal that will gather his fellows together in creeds, clans, and nations, line them up in companies, regiments, armies, and get glory out of their slaughter. Just because some king or politician told him to.

Man is the only creature in all existence that is not satisfied with the punishment he can inflict on his fellows while here, but had to invent a hell of fire and brimstone in which to burn them after they are dead.

Where he came from, or when, or how, or where he is going after death he does not know, but he hopes to live again in ease and idleness where he can worship his gods and enjoy himself, watching his fellow creatures wriggle and writhe in eternal flames down in hell.

THIRTY-EIGHTH ANNIVERSARY OF NATIONAL BUSINESS WOMEN'S WEEK

Mr. HRUSKA. Mr. President, since women gained the right to vote, the National Federation of Business and Professional Women's Clubs has worked steadily to expand the role of women in all segments of our national life.

The week of October 16 marks the 38th anniversary of the National Business Women's Week, a time specifically devoted to dramatizing the contributions of women to the professional and business world.

It is with particular pride and pleasure that I salute this fine group this year. For the first time, a woman from Nebraska, Sarah Jane "Sally" Cunningham is the Federation's president. Nebraska has enjoyed the exceptional talent of Sally Cunningham in her chosen profession, law, and in her extensive community service such as establishing and serving as first chairman of the Nebraska Commission on the Status of Women. Her contributions to her hometown, McCook, to her State, Nebraska, and now as president of the Federation deserve special recognition and are a tribute to the effectiveness and worthiness of the National Business and Professional Women's Clubs. I can personally attest to her effectiveness, Mr. President, since she served as the vice chairman of my reelection campaign in 1964.

The organization itself has an impressive membership of nearly 180,000 women representing every congressional district in the United States. The history of these clubs is one of great strides in improving the conditions and possibilities for the participation of women. Due to the increase in life span, decrease in time required for home and child care, economic independence, women now have the time and desire to use their abilities and capacities to their maximum potential. And our Nation needs women to be involved in all segments of our national life.

The Federation has an outstanding national program calling for action beneficial to our entire Nation. Its interest extends to all areas of national concern, including air and water pollution control, conserving human and natural resources, improving safety conditions on our highways, and seeking ways to promote national security and peace. Exciting national aims are strengthened by local activities. To the individual, the organization offers encouragement to seek new channels of expression, needed information and sincere fellowship.

I congratulate the 3,750 local organizations which make up the National Federation of Business and Professional Women's Clubs and President Cunningham on their progressive and essential work—and wish them a most successful observance of National Business Women's Week.

MAINE PIONEERS

Mr. MUSKIE. Mr. President, although our Nation's land frontier has long since vanished, we still have our full share of pioneers in space, oceanography, medicine and a hundred other fields. The life of a pioneer is not always glamorous. It is often filled with tough, hard but rewarding work.

In Maine, we have our own pioneers in the field of education. Ten businessmen in the town of Unity developed plans for the establishment of a new college. Despite many obstacles, they were determined to reach their goal. They received help from several sources, but the awesome responsibility of entering into financial obligations has been their own.

Just 2 weeks ago, Unity Institute opened with 41 students in residence, a tribute to the initiative, dedication and faith of the 10 Unity civic leaders. All of us in Maine are hoping that this pioneer effort in education will be a success. If the effort exhibited thus far is any gage, Unity Institute cannot fail.

I would like to request that the article, "A College for Unity: Population 983" published in the fall issue of the Maine Digest be printed in the RECORD. I would also like to point out that the Maine Digest is itself a pioneering effort, this being the first issue. The publisher, Tim Wetterlow, of Rockport, shares the same faith and dedication exhibited by the businessmen of Unity. This is an old Maine attribute which I hope will continue to spread and grow.

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

A COLLEGE FOR UNITY: POPULATION 983

(By Caroline Hotham)

Only a man who had spent weeks searching for a college that would accept his son, a C+ student in high school, would have the audacity to suggest to his colleagues that a small New England town could build a four-year accredited liberal arts school.

This is how Unity Institute [1] was born, and in September approximately 200 freshmen students will be enrolled, just one year after the Institute was incorporated.

[1] According to Maine laws a school must operate for two years before it can qualify for "college" status.

The idea of Unity Institute evolved after one of Unity's leading businessmen discovered it was virtually impossible to find a Maine college that would accept a C+ student, either because his college board exams were not high enough to qualify him, or because the colleges had no vacancies.

It was at this time that ten of the businessmen in Unity were meeting periodically to find a project that would boost the economy of the town, which has a population of barely 1000.

Eleven projects were listed, all outlined with one purpose in mind. These men wanted to put Unity on the map, and feared that their town was going to go the way of many other small towns, withering away until there was no hope of attracting new businesses or residents.

The projects were discussed, investigated and then dropped for one reason or another. The ideas of a small shopping center or a laundromat were abandoned because of astronomical operating expenses, due in part to the cost of water and sewage.

But during one three-month interval, the group worked with an out-of-state businessman who felt that a two-year junior college would be feasible.

The idea was altered however, when the men heard of Belknap College in Center Harbor, N. H., which was founded in 1963. A small college, Belknap was financially on solid ground, and was making plans for expansion, after only two years of operation!

Five of the men made an appointment to meet with Belknap officials, and were so impressed with what they found there, they decided immediately to investigate further.

They had so impressed Bert Dittus, one of the founders at Belknap, that he agreed to move to Unity to help organize Unity Institute.

The still informal group of men now had an idea, and a man to help them implement it, but there was no land available for such a project. It was then that Cutler Corporation, a subsidiary of Corn Products Refining Company, offered 42 acres of shore property on Lake Winnecook. The men accepted the offer gratefully, but when plans for future growth were discussed, it was evident there would be no room for expansion.

At this point, George Constable of Unity came forward with an offer of 180 acres of land on Quaker Hill, situated just east of the town. With the offer came an option to buy five acres of adjoining property, which included a huge abandoned hatchery building.

The hatchery has now been remodeled and will house 132 male students. In addition kitchen and dining facilities, a student union, recreation room and private quarters for the house mother will be included.

YOU WON'T FIND COOPERATION LIKE THAT ANYWHERE BUT IN A SMALL TOWN

Currently under construction is a classroom complex that will contain six classrooms, chemistry and biology laboratories, offices, a teachers' lounge, a book store and library facilities.

Within two years, the Institute plans to build a 20,000 volume library, but until this project is realized, Bangor Public Library has offered all its facilities to any student at Unity Institute. A full-time librarian will be on duty this fall, and will make regular trips to Bangor to obtain books the Unity students need for research. Larger institutions in Maine have also contacted the Institute, and have promised gifts of volumes to begin the permanent library.

The shore property has been set aside for all athletic activities, and plans now indicate that within four years, a gymnasium will be erected there. Sports the first year will undoubtedly be on an intramural basis, but with the addition of a full-time athletic coach in the near future, Unity Institute will soon compete with other schools of similar size.

From the beginning, the Board of Trustees has refused to compromise with the basic premise that teaching is an art, and have assembled a faculty that will be required to devote only twelve hours a week to classroom activity.

No instructor will be asked to teach outside his major, and there will be no pressure to "publish or perish." The curriculum has been arranged so that each instructor will hold a monthly private conference with every student, when a student's problems, whether academic or personal, may be aired.

The Board of Trustees feels that each student has the right to be taught and treated as an individual, and the Institute has kept the "tutorial approach" uppermost in assembling the faculty.

It is also the contention of the Board that the student who discusses his ambitions, examines his motives and considers his skills will be equipped to declare his major much earlier than the student who is groping for a goal during the first year or two of his college career. This early declaration will eliminate the courses that are of no interest or help to the student.

The primary objective of Unity Institute is to offer the student a broad base of studies with concentration in one field.

The freshman curriculum will include courses in English, art, music, geology, history, foreign languages, chemistry, physical science, mathematics and psychology.

Three-fourths of the faculty, which will include twelve fulltime and four part-time instructors this first year, came to the Institute first, without waiting to be asked. The others have been contacted through the assistance of Dr. Robert Strider, president of Colby College in Waterville, who offered to assist the Board in obtaining a faculty.

All but two of the instructors have master's degrees, and the other two will receive master's degrees shortly.

Permission was granted by the Maine Banking Commission to float a $300,000 bond issue, and in January, 1966, 20-year debenture bonds were being sold.

Turned down by several banks whom they approached for financial aid, the Institute successfully negotiated with an Augusta bank, which has demonstrated its faith in the project by making funds available to assist in the Institute's establishment.

Thus far, the Institute has met every financial obligation on time. All personal expenses incurred by the Board for travel have been paid by the members themselves, who have repeatedly dipped into personal resources to help keep the dream of Unity Institute alive.

While some people feel that a small school will offer a second-rate education, Dittus has emphasized the fact that small schools will benefit many students who are unable to make the transition from a small high school to a larger institution. All students at Unity Institute, accepted on the recommendation of their high school principals rather than high school grades or college boards, will have what amounts to private instruction. If the student is weak in a particular subject, he will receive extra assistance to correct his problems.

"We're not competing with the larger institutions," Dittus points out. "There is a need, particularly in Maine, for a small school. The larger schools lead the way, but we can give the student opportunities that are simply not available in larger schools."

THE FINEST PLANNING FOR A SMALL COLLEGE I HAVE SEEN IN 20 YEARS

All the men on the Board of Trustees feel that such a project would not have been possible in a large city, because the success of the plan depended on the ability of all the men to meet weekly, and sometimes more often, to iron out problems that arose all year.

"We've gone home from a meeting more than once, unable to sleep because we couldn't seem to find a solution to some of these things," one member pointed out. "But we'd meet again, talk some more, compromise a little, and settle the issue. You won't find cooperation like that anywhere but in a small town."

Recognition for their efforts came not long ago when Dr. Donald DeHart, regional director for the New England Region of the United States Department of Education, stated that "this is the finest planning for a small college I have seen in 20 years."

Ten men with a dream have accomplished a goal that many felt would never be reached. Unity Institute will not only put Unity on the map, it will give many students who might never have dared try for an education at a larger institution the opportunity to achieve a higher education of the highest quality.

DESERVED TRIBUTE TO SENATOR MAGNUSON

Mr. BARTLETT. Mr. President, Trucking Business, an industry publication, printed an article in the September 1966 issue entitled "Trucking's 'Friend in Washington.'" Upon reading that title I did not need to go further in speculation as to the name of the man so described. It was, of course, Senator WARREN G. MAGNUSON, senior Senator from Washington, and chairman of the Senate Commerce Committee. Senator MAGNUSON is, indeed, a friend of trucking. That is not all. He is a friend of every mode of transportation but never forgetful of a prime responsibility in making sure at all times that the public interests are served in advance of every other consideration. Indeed, his interest in protecting the public, the consumer, was never better exemplified than by Senator MAGNUSON'S recent action in setting up a Consumers Subcommittee of the Commerce Committee with himself as chairman.

In these areas, Mr. President, and ever so many others the Senator from Washington has served his State and the Nation well and effectively. I now ask unanimous consent that the article in Trucking Business be printed as part of my remarks:

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

THE SENATE COMMERCE COMMITTEE: TRUCKING'S "FRIEND IN WASHINGTON"

(By Mel Brdlik)

Scope of the Senate Commerce Committee can scarcely be painted in broad enough, wide enough strokes. Responsible for legislative jurisdiction that affects 90% of the nation's commerce and industry, the committee's work during the 1960's has ranged far afield to civil rights, truth in packaging, the Telstar satellite, and (just last month) the protection of children against lethal products.

But its chief capacity is as overseer of the great regulatory agencies.

In transportation, the Senate Commerce Committee has legislative jurisdiction over the three agencies which regulate land, water and air transportation in this country—the

Interstate Commerce Commission and the Civil Aeronautics Board.

COMMITTEE AUTHORITY

Each of these agencies derives its legislative "mandate" through this committee; each is subject to continuing scrutiny by it; and each must have this committee's approval for the appointment of new members.

There is no corner of the for-hire or private trucking industry where this committee's influence could not reach . . . no plan for the future made by the management of private or for-hire truckers is valid without first considering the direction this powerful committee is taking in the Senate.

By the end of August, over 300 pieces of legislation had been referred to the committee during the 89th Congress.

Most important to motor carriers in 1966 is the Automotive Safety Bill (signed into law on September 6). Last year the most important was the Anti-Illegal Carriage Bill, which passed. In both sessions there was the usual stream of ICC bills which flow through providing a way for changes to be made in the far-reaching authority of the ICC.

Reverberations from all of these measures will be felt in the private and for-hire trucking industry for years to come.

PRESIDENT'S THUMB

But even as overseer of the great regulatory agencies the powerful Senate Commerce Committee did not oversee the hearings for the bill to create a Department of Transportation. This bill was heard by the Government Operations Committee.

Last February, Senator MAGNUSON predicted to Trucking Business that the odds were against passage of the DOT Bill in this session of Congress.

By the end of August, the Senator had changed his mind, primarily, it would seem, because changes made it Congress' bill instead of the Administration's.

To critics, who state that DOT could, over time, shift much overseeing authority from Congress to the Administration, Senator MAGNUSON has a straight answer: Not possible. He points out that the Congress will still control the department, and—most important in Washington—Congress keeps the purse strings.

This is reassuring to the motor carriers.

For, despite all the confusion that surrounds the regulated transportation industry these days, there is one thing that few people question: The trucking industry's influence in Washington lies on Capital Hill with the elected Senators and Representatives.

It stands to reason. There are more voters in trucking than in any other industry, save farming.

As head of the Senate Commerce Committee, Senator MAGNUSON is a friend of trucking. This does not mean that he—or any member of his committee—is going to charge up Capitol Hill riding the fifth wheel of a diesel tractor, waving trucking's banner.

COULD HURT EFFORTS

Oh, no. Blatant overtures to one industry such as trucking could render any committee chairman in Congress ineffectual in his job.

Support must be provided in other ways. There are many examples of this.

Though the Commerce Committee did not hear the bill to create DOT, Senator MAGNUSON as "Mr. Transportation" was asked to kick off the testimony at the hearings last March.

At that time the attitudes of the powerful transportation lobbies in Washington, including the American Trucking Associations, could best be described as "non-committal," on the DOT Bill.

Senator MAGNUSON emphasized he was appearing in his individual capacity as a Senator. His committee had "not committed itself yet.

Then he lashed out at Section 7 of the bill which deals with how DOT would dole out our nation's transportation dollars and which potentially could affect the Highway Trust Fund.

He testified: "This section should not infringe on the prerogative of Congress in the establishing of transportation policies . . . the new secretary is only to recommend policies to Congress."

THE STICK IN THE CRAW

Section 7 is, of course, the part of the bill which also sticks in the craw of the ATA which supports the rest of the DOT Bill and the Private Truck Council which supports none of it.

In addition to this agreement with trucking on how Washington will dole out the dollars, Senator MAGNUSON was the prime mover behind the Anti-Illegal Carriage (Gray Area) Bill when it passed through his committee last year. After it passed he said:

"Illegal operators have been put on notice to cease their activities. An all-out drive will be made to eliminate these poachers from the highways of our nation."

The fact that this has not yet happened, should lead those who complain about it to conclude that they would have a redress of grievances in the Senate Commerce Committee, since its chairman has taken such a strong stand.

EAST VERSUS WEST

Senator MAGNUSON also championed another important piece of transportation legislation which concerns trucking only indirectly . . . the "Box Car" Bill. This bill helps make certain that the railroads provide Western states with their fair share of freight cars.

Currently in short supply, these freight cars are largely concentrated in the industrialized East where the Eastern railroads monopolize them, paying only a low per diem charge.

The Senator's support of the Box Car Bill does not make him an enemy of the railroads, for the bill was triggered by complaints from lumbering interests in his home state—Washington—where the shortage of rail cars this spring had become acute enough to threaten the closing of several lumber mills.

Success of the powerful Senate Commerce Committee is due in no small measure to its chairman's skill in handling natural differences which arise. "Maggie doesn't have an enemy on either side of the aisle," says Senate majority leader MIKE MANSFIELD. "He has understanding and good will in the bank," says a close personal aid.

"Even when he is shepherding an Administration proposal through his committee, Senator MAGNUSON is always seeking the consensus so dear to his friend in the White House," the Wall Street Journal writes.

He himself says, "We seldom pass a bill in the Commerce Committee that isn't pretty well agreed on."

CONSTRUCTIVE, CREATIVE

In addition to the somewhat negative "overseer" function of the nation's commerce, the job of this Committee has a constructive aspect. It can, of course, originate bills. It also serves as channel to consider Administration's legislation.

As chairman, Senator MAGNUSON is expected to introduce bills "by request" of the President. Despite the fact they are, indeed, old friends (they were sworn into the House together in 1937 and later Maggie was part of the whip that helped Lyndon run the Senate for eight years), the Senator does not necessarily parrot the Administration's line, even on bills he introduced "by request."

Some of the constructive functions of the Commerce Committee may even be labeled "creative" in that they deal with brand new ways to solve problems within the Committee's jurisdiction.

Two examples of such bills from this session: The bill to establish a National Oceanographic Council, opening a whole new world to a whole new science, and the Tire Safety Bill, which was suggested by Senator NELSON and championed by Senator MAGNUSON long before the White House latched on to it.

ONE HUNDRED NINETEEN YEARS BEFORE TRUCKING

It was 150 years ago, in 1816, that the resolution creating a Committee on Commerce and Manufacturers was passed by the Senate.

In 1816 when the committee was formed the first barge had just begun to ply the Mississippi, the country's first railroad was still 14 years away and trucking, as an industry, did not come on the scene until 1935—119 years later.

Lately, "legislation providing airline and railroad regulation, automobile safety standards, high-speed ground transportation and satellite communications has displaced tariff schedules and harbor dredging bills among the major concerns of the Committee," the anniversary booklet suggests.

Then it asks: "What proposals will fill the committee calendar after another 150 years? The rate at which the types and complexities of commerce are changing defies even a guess."

MAGNUSON ON MOTOR TRANSPORT

(NOTE.—Questions the Trucking Industry is asking are voiced by Mel Brdlik, editor, in this interview with Senator WARREN G. MAGNUSON:)

Q. Who sets transportation policy? Congress? . . . the Administration? or is it set in the field by the carriers? For instance, the trucking industry existed for a decade and a half before Congress acted, in 1935, to put it under regulation.

A. Congress sets it. But we seek the advice of the people in the industry. Policy in transportation is practical. We have to use wisdom to keep it alive; not harassment which would weaken it. When we make policy, all members of all modes are consulted.

Q. Do you advocate increased highway user taxes as suggested by Secretary of Commerce Connor?

A. User charges should be based only on what the traffic can bear. They can be so oppressive that the nation's transportation system would suffer.

Remember that highways are built for the public in general and not just one mode. It was never expected that one mode would pay the whole thing. Charges should be equitable.

Highways mean progress to communities. They bring employment and wealth to the community at large.

Truckers, I believe, pay their share through axle and gas taxes as well as state taxes. There has been some question as to whether barge lines should pay more for waterways, but waterways are used for other purposes as well: recreation, flood control and the like.

Q. Are you for or against regulation?

A. A complex question . . . it cuts across all facets of our commercial life on every level. But it is not enough to be against regulation. You must state what you are *for*.

I will look at any proposal just so long as it does not worsen rather than help the situation.

Q. The report produced by the President's economic advisers this year seems to support de-regulation of trucks and rails. . . .

A. There have been reports on de-regulation for the last 50 years. The first session of the Senate in which I served in 1944,

discussed de-regulation. They may change the names of the bills, make new surveys and reports, create new slogans and slants . . . but it is not a new idea.

As long as we have a private transportation system—the only one in the world, and the best one—there will be questions about the degree of regulation.

Q. In the view of trucking observers, this report of the President's Council of Economic Advisers blatantly parallels the published stand of the Association of American Railroads. Is there any difference in the Administration's views and those of your committee on this?

A. We feel that minimizing rate regulation is not practical. It takes you back to the old system of dog-eat-dog or one mode destroying another or a wrecking competition within the modes—any of which would cause the failure of our transportation system.

The common carrier is still the guts of our transportation system and he must be regulated and protected so he can give the public proper service.

Q. The Administration's view seems to be that the shipper would benefit from de-regulation.

A. Sure the shipper may *think* he'd get a break, but the truth is he won't have reliable service. Rates are worked out to be compensatory, allowing the trucker to exist.

Q. You indicate that de-regulation proposals have been offered for 50 years. What has changed in these proposals to prompt this conclusion?

A. These days there is more enlightened, constructive criticism. Today's criticism, armed with supporting research, zeros in on the issues.

Q. What about the proposals that if regulations of rates are removed and free entry allowed, anti-trust laws should apply to trucking?

A. Anti-trust laws are on the books and if regulation is removed, all transportation, in my opinion, would be subject to them . . . like any other business. But I think the nature of transportation at this time opposes that kind of competition.

Q. Do you feel that we need more study on de-regulation?

A. There have been studies after studies—we have rooms full of them. Of course, as conditions change there is always a need for specific studies, for instance, the complexity of rates: whether they are equitable. But more studies on opening up transportation to free entry or exemption from regulation are not practical. We all know what would happen.

Q. Your position on de-regulation . . . does it reflect the West's attitude?

A. There is no difference in principle, East or West, though there are different situations. Urban centers of the East need regulation more than Nevada.

I only want to see regulation sufficient enough to accomplish objectives of an effective transportation system. Beyond that there is harassment.

Q. Do you favor the appointment of the ICC chairman by the President instead of election by the commissioners, as now practiced?

A. Remember that ICC is the only regulatory agency that hasn't a permanent chairman. The idea was first suggested when the ICC was established in 1887. It was hotly debated by President Roosevelt and the ICC chairman of that time, Joseph Eastman.

Q. On what questions do you foresee legislative activity during the 90th Congress next year?

A. I do not foresee any major transportation legislation in the next session. However, if and when the Department of Transportation is created, the Commerce Committee will have to confirm the people in it including the new Secretary. Then there will need to be legislation to amend existing acts and pass others in the light of the new Department.

SENATOR MAGNUSON SAYS DOT WILL PASS

Q. In February, Senator, you felt that odds were against the passage of a Department of Transportation in this session of Congress. How do you now feel?

A. I feel that the bill we have now is the Congress' bill and it will pass.

Q. Many people feel it's an "eh!" bill . . . who needs it?

A. True it is not a strong bill. But these things are evolutionary. They happen gradually. We need it because if nothing else it coordinates all transportation activities on a national level. Under present conditions this is spread all over the place.

Q. Many truckers are afraid DOT will move the seat of authority from the Congress to the Administration.

A. This is not true. The Congress will still maintain these controls: Mandate the Department's existence. Grant it authority through legislation. Approve appointments, including the chairman. Control the purse strings.

Now take a trucking company. The fellow who controls the existence, the authority, the personnel and the purse strings . . . wouldn't you say he's in charge?

Q. Why would you think truckers are opposed to DOT?

A. It's like anything else. . . . It will be a change of faces and this is always opposed. But the truckers who come to me know when they have some complaint about an ICC ruling, and they'll do the same thing with complaints about the new Department.

Q. Will the Department succeed?

A. It depends on the man—and the Commerce Committee will have to see to it that good appointments are made.

ROBERT HUTCHINS LOOKS AT U.S. FOREIGN POLICY

Mr. McGOVERN. Mr. President, the San Francisco Sunday Examiner and Chronicle of October 2, 1966, carried a most interesting foreign policy observation by Dr. Robert Hutchins, head of the Center for the Study of Democratic Institutions, Santa Barbara, Calif.

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

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

A FOREIGN POLICY FOR LONG AGO

(By Robert Hutchins)

The strongest defense of American foreign policy runs something like this:

The world is in bad shape. Gangsters and brigands are loose in it. Many nations are too small and weak to protect themselves against them. Somebody has to maintain order and protect the small and weak.

This responsibility falls to us because we are the only power capable of discharging it. Whenever the territory and independence of a nation are threatened, and it appeals to us to defend it, we must respond because if we do not such world order as there is will collapse.

The argument continues with the recognition that the condition of affairs is unfortunate for us. We would much rather stay at home and build the Great Society. It is embarrassing, moreover, for us to have to be policeman, prosecutor and judge, all rolled into one.

Our motives are suspected, our actions are resented, even by those whom they are intended to benefit. But we can do no other, simply because there is no other to do.

There is no effective world organization, and such a world organization cannot develop out of the United Nations because some of the principal gangsters and brigands belong to it. They have prevented it and will continue to prevent it from acquiring the means to keep disorderly members and non-members in their place.

This is the argument. It is an argument from necessity. But this necessity is visible only to ourselves. General Charles de Gaulle, to say nothing of the Soviet Union and China, does not see our qualifications to run the world, or even Europe, quite as clearly as we do.

In the second place, it is not merely embarrassing to be a judge in one's own cause, it is fatal. This is not simply because other people will suspect us of judging in our own interest. It is because it is impossible for a judge to judge his own cause justly.

A nation that sets itself up to maintain order in the world must end by trying to conquer it because it will inevitably define a gangster and brigand as anybody who tries to thwart its self-appointed mission.

In the third place, if we spend one-tenth of the money, brains and attention on solving the problems of world organization that we have dedicated to military preparations and military exploits if we, as the greatest power in the world, devoted ourselves to making the United Nations work, we might not succeed, but at least we might complain with a clearer conscience than we are entitled to have today.

It is significant that two reasons why U Thant resigned his post were the failure to admit mainland China and the war in Vietnam. The United States is responsible for both.

Finally, the world is not calling for a self-anointed Caesar. The countries of Asia, and Africa in particular, are not asking to be "saved" from Communism, certainly not by military power, which, when applied on the American Plan, means the destruction of their property and the corruption of their people.

They are asking for help and guidance as they try to find their way out of a miserable past into a tolerable future. By responding with military power we show that we have no grasp of the realities of the 20th Century. Our slogans and our methods are those of an age that is gone.

MADAM CHIANG SPEAKER AT NEBRASKA WESLEYAN UNIVERSITY

Mr. HRUSKA. Mr. President, earlier this fall, the dynamic and personable Madam Chiang Kai-shek, First Lady of the Republic of China, addressed a student convocation at Nebraska Wesleyan University, in Lincoln.

Her visit, requested by university officials, was arranged by my colleague from Nebraska [Mr. CURTIS], who is a member of the Nebraska Wesleyan board of trustees and who was present to introduce her to the convocation.

The insight and perspective of Madam Chiang on the turbulent situation in Asia, viewed by one who literally lives next door to Asian communism, have particular pertinence at this time.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of Madam Chiang's remarks, together with her introduction by Senator CURTIS.

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

INTRODUCTION OF MADAM CHIANG KAI-SHEK BY SENATOR CARL T. CURTIS, REPUBLICAN, OF NEBRASKA, NEBRASKA WESLEYAN UNIVERSITY, SEPTEMBER 29, 1966

Dr. Rogers, students and faculty members of Nebraska Wesleyan, visitors, friends all, the distinguished world citizen whom I am about to introduce has so many admirable qualities that I cannot begin to delineate all of them. However, she possesses two qualities that I place at the top of the list in public service—the qualities of steadfastness and devotion.

I shall never forget the first speech I heard her give. As a young Congressman, I was fascinated by her great mind and her rich spiritual qualities as she pleaded the cause of her people to a joint session of Congress in the early days of World War II.

Our speaker today began her career of service to her people in surroundings very similar to those of the fine people who teach and attend school here at Nebraska Wesleyan.

She was educated at Georgia Wesleyan College and Massachusetts Wellesley College here in the United States.

She was married to President Chiang Kai-shek in Shanghai in 1927.

From 1929 until 1937 this steadfast woman of the world devoted her energies and talents to the task of directing a school for orphans. From 1930 to 1932, she served in the Chinese legislature—the legislative Yuan—and in 1937–38 she served as Secretary-General of the National Aeronautical Affairs Commission of China.

In the furtherance of her service to her people, she founded the National Chinese Women's Association for War Relief, the National Association for Refugee Women and the Huahsing Children's Home.

She has held high posts with the International Red Cross Commission, Chinese Women's Relief Association of New York, Canadian Red Cross China Committee, India Famine Relief Committee, British United Aid to China Fund and the Nurses' Association of China.

She has been awarded the medal of honor by the New York City Federation of Women's Clubs, the gold medal of the New York Southern Society, the Chi Omega national achievement award and the gold medal for distinguished service by the National Institute of Social Science.

She is a member of Phi Beta Kappa and an author of several books about China, its people, problems and culture.

I am delighted to present to you the very capable, charming, steadfast, devoted First Lady of the Republic of China, Madame Chiang Kai-shek.

TEXT OF ADDRESS BY MADAME CHIANG KAI-SHEK AT THE CONVOCATION OF THE WESLEYAN UNIVERSITY, LINCOLN, NEBR., SEPTEMBER 29, 1966

It was in a somewhat idyllic mood of nostalgia on my present trip to the United States when I accepted as my first invitation to speak at Wesleyan College in Macon, Georgia, that I first began, as it were, to think aloud my thoughts. The name of the seat of learning whereof I speak, you will note, bears the same namesake as yours, in memoriam of the same great Methodist theologian—John Wesley whose evangelical Arminianism, epoch-making Alderstreet preachments and Notes on the New Testament have exerted such a great and lasting influence on the New World.

Today, just sometime prior to my departure for Taiwan, and home, I have come to visit with you at President Rogers' invitation extended to me through our friend Senator CURTIS, and to speak to all of you who have outgrown the "chrysalis stage" of life with your minds honed and your intellect keened as you enter into self-reliant adulthood in the pursuit of knowledge, of intellectual exercise and of pragmatic, scientific, industrial and management know-how sighted to an unlimited horizon. I am happy to say that almost all of the students and graduates of Wesleyan College in Macon where I had spent many happy years of my childhood are not southern belles reputed merely for beauty, poise and personal refinement, but that over the years they have come through their baptism of fire in intellectual and cultural disciplines and in turn have imparted and passed on their perception, learning and wisdom from generation to generation. And I am sure Wesleyan in Lincoln through her alumni has done as much as have graduates of other great and wondrous institutions across the country.

Truthfulness, however, forbids that I give only a partial vista of the whole view. Nevertheless it is still not pleasant nor happy for me to hear it said by many of my usually thoughtful and patriotic American friends that impartial historians of the future will say that the United States in the 1960s was an era of chaotic "clod thinking," deliberate fractiousness, general indiscipline and a blurred sense of purpose unrivalled in her entire history of existence and that for intentioned reasons this country took an ugly perverse pride in perennially bordering on complete breakdown of law and order. These are indeed harsh words.

One would think, I have repeatedly heard said, that with the present numerical increase of students in higher learning the definitive salutary virtues fostered by education would at least be felt proportionately in the affirmance of the great social, moral, economic, scientific and political validities and principles hitherto cherished by the United States and respected throughout the world. Yet these validities have seemingly been eroded and substituted by sophisticated half-truths which are now in high fashion, spearheaded by the so-called intellectuals "using" the student radicals. Writing in "Daedalus," President Martin Meyerson of the State University of New York in Buffalo, avers that student radicalism in this country results from a basic transformation in higher education, for whereas half a century ago college attendance was a privilege enjoyed by a small elite, today it is the birthright of the middle class; and whereas 98 percent of the students are silent, though I should think far from complacant, the remaining two percent are articulate activists. Two percent of the five and a half million students enrolled adds up to 100,000 persons, a force quite sufficient to make itself noisily vociferous, especially when the two percent affects to speak for all. This might be passed off as commotion in intellectual exercise.

But how are we to gainsay facts that are actions begotten from theories when the evidences are for all to see? Let me enumerate some of them. In the last twelve months, city after city has been plagued with "demonstrations" led by elements who put sectional interests or their own inflated importance or the desire to see themselves in print or on T.V. above national interests. Crime has been on the increase to an unprecedented degree, for law enforcement is frustrated by decisions such as Escobedo v. Illinois and the Supreme Court's Miranda decision which, owing to the judicious necessity of reaffirming the basic constitutional right of criminal defendants to assistance from a lawyer and the right of freedom from compulsion to testify against themselves, allowed the four confessed criminals to walk away scot free. Then there is the pervasive phenomenon of a comparatively inimical minority immobilizing the majority to the prejudice of the public good through placing the majority at the mercy of an organized minority however insignificant in number. Labor is disenchanted because the cost of living has risen and the unions fret in having to adhere to wage guidelines. Strike after strike has resulted in losses to the nation's economy. An example will illustrate what I mean. Last year, 1965, the United States lost 23 million man days of work through strikes as compared to 49 thousand man days in West Germany. Yet Congress and the Administration, painfully aware of the hard-won prerogatives of labor dating back to days even before Samuel Gompers, are treading ever so carefully so as not to abridge one iota the power of organized unions.

The rash of lawlessness that we see in the cities renders the police, who no longer command the respect of the populace as they once did, frustrated and ineffective as guardians of human life and property. State Governments are paralyzed by the constant wrestling with greater yet greater budgets, and the Federal Government is torn between the demands of a crucial war in Vietnam and the inveterate and constant requirements within the United States that force a bigger and bigger national fiscal burden.

The above are some of the cogent occurrences that accentuate the difficulties and vulnerabilities within the country. Rightly and wrongly, the blame is laid at the door of all the intelligentsia because of their commissions and omissions. Disturbing as they are to all people of good will and right thinking, I still believe that the situation obtaining in this country is self-saving, for her weaknesses are never surreptitiously kept from public view for long, and this is both the hallmark and strength of "these United States." Furthermore I have faith in the collective intelligence emanating from the American people's inner soundness which rectifies sui generis before it is too late so that in the years to come the United States will again return to her indices of admirable constants.

It is nevertheless unfortunate that on matters of foreign policy the United States conveys to the neutrals, skeptics, fence-sitters, as well as to the Chinese Communists an "image of fear" through using what might be described as timidity and a technique of "push, pull, quick, click" in dealing with the Chinese Communists which encourage their planned military world expansionism.

That the Chinese Communist regime is bent on world enslavement can be seen by what is taking place now on China mainland. The present nationwide implosion at first sub-rosa actually began in September of last year and is developing into a hot explosion upon gathering momentum in its rampaging destructiveness. By Communist admission it includes a purge of 160,000 intellectuals and some hitherto hard-core Communist party members and recently climaxed with a crushing stampede brought on by the adolescent Red Guards hastily mustered into the cities with Maoist approval. These youths clothed in brief yet official authority on their own recognizance issued ukases to eight minor political parties, which heretofore served as window dressing to the Chinese Red regime, to dissolve themselves within 72 hours from the time so ordained and ordered.

The Red minister of higher education and presidents of 50 universities and research institutes have been dismissed. These include the presidents of Chiaotung, Chungking, Wuhan, Lanchow and Yunnan universities. They have been removed and assigned to menial service and the president of Peiching University in Peiping has been sent to a coal mine as a hod carrier.

I quote a despatch by Mr. David Oancia of The Globe and Mail of Toronto from the New York Times of August 25:

"The high command of the Chinese army has started a propaganda campaign glorifying Korean war veterans and stressing the superiority of man over weapons of mass destruction.

"The campaign is taking form as the paramilitary Red Guard of teen-agers press their drive against bourgeois tendencies in the continuing 'great proletarian revolution.' Today the youths ransacked a number of private homes for jewelry, cosmetics and literature they consider pernicious."

One can well gauge the breadth and plumb the depth of this pogrom by the insistent, aggressive and yet dissatisfied yawpings of the leaders and partisans of the so-called present "cultural revolution."

As early as August 10th and 11th, Red Flag, the mouthpiece of the Chinese Communist Party Central Committee and the People's Daily, organ of the Peiping regime, editorially conceded that the "great proletarian cultural revolution" was being thwarted by very strong and stubborn reactionary resistance. And now in the latter half of this month come consistent and persistent reports divulging the ever-widening ramifications of ideological defections and deepening cleavages within the Communist framework. Indeed the so-called "anti-party group" in reality the "anti-Mao thinking" group had permeated all three, the unholy trinity of the regime—the party, the administration, and the armed forces. How deeply the "anti-party group has taken root in the administrative and party organs is evidenced from the fact that with every passing day since the start of this present purge we have received continuous reports of tortures, killings, suicides and disappearances of cadres and administrative personnel at provincial, county and municipal levels. The dismissal of Peng Chen, the Communist party leader for North China and concurrently the mayor of Peiping, and his large strong grass root following, the gradual disgrace of and attack on Liu Shao-chi who was until a year ago second only to Mao, and the purge of Lu Ting-yi, the propaganda chief, have even been highlighted by the Chinese Communuists as major feats of successful purgings. Peiping's city newspapers, the Pei Ching Jih Pao, the Chungkuo Ching Nien Pao, the national paper of the Young Communist League, have been banned; while the famed or ill-famed Ta Kung Pao announced that at the Red Guards' request the publication would be reduced to a thrice-weekly newspaper under the new name of Chien Ching Pao (March Forward Daily) instead of the old name Ta Kung Pao connoting impartiality. I recall that in the days when the National Government was on the mainland, Ta Kung Pao (L'Impartial) attacked at will with reckless daring knowing that right or wrong it was in fact above libel laws since it had a blind following. Those were the days when the Ta Kung Pao perorated edicts which the intelligentsia, literati and people who considered themselves in the swim of things hearkened to respectfully. Those were the days when the Ta Kung Pao posed as the conscience of the nation, as well as the voice of impartiality, delivered lofty deliberations as did Arnold Bennett in his day and dripped pearls of supposedly "absolute truths" from Olympian heights. Those were the days when to its everlasting ignominy the paper was used not only by Communists but by fellow travellers who under the guise of liberals were preparing to sell the country into Communist slavery. This they have succeeded in doing thus far. Now for their pains in having rendered such service the Communists have set upon the paper a covey of bullies who have sent it to its doom without even a whimper of protest from its cringing beseechers.

Despite its far-reaching effects, the Maoist protagonists at first still regarded the purge as ineffective due to what was called "poor leadership" of the party organizations at the lower levels particularly as the cadres were "frightened into fits" at the first sign of resistance they encountered. The bewilderment of the cadres is not difficult to understand, for they were suddenly ordered to turn upon the very people whom they had been taught in the past to look up to for guidance and commands. This hesitancy in Maoist parlance meant that the drive of the Red Guards was not violent enough and therefore they must be exhorted to continue sustained terror and greater mercilessness towards their victims.

In passing we should also note that at present there is general and deafening silence both here and abroad regarding the expertise appraisals of the "China experts" (1) that the Red China regime has melded the mainland into a solid harmonious ideological monolith; (2) that the aggressive strident utterances by Lin Piao in his now infamous speech of September 1965 of "Long Live the Victory of People's War" comparing Europe and the United States to the cities and the rest of the world to the countryside are oratory or even florid oratory and not really the views of the Chinese Communist Party and certainly not ascribable to the high and responsible leadership of Mao Tse-tung, and (3) that even at "territorial" levels there are forces of moderation and restraint which could deter and hold in check the spread of fighting in Vietnam not to say of world revolution. The above appraisals have been proven to be wrong, have been proven to be pitifully and dreadfully wrong.

Today we know that the schism of view amongst the Chinese Communists, between pro-Sovietism and Maoist extremism, stratified in 1959 when at a secret meeting of the Chinese Communist Party's Central Committee Mao Tse-tung's infallibility as a military strategist was challenged in discussions and party polemics.

From reports coming out from the mainland as early as 1959 and since corrobrated, Peng Teh-huai, Mao's then defense minister, and Huang Ke-cheng, then the chief of staff, were accused of (1) trying to turn the army against the party leadership, in other words, against Mao; (2) opposing plans of a break in working relationship with Russia, and (3) joining moves by moderates towards revisionism tantamount to the abandonment of Mao's interpretation of Marxism-Leninism in favor of the adoption of a semi-Russian ii not the entire Russian type of Communism. For these heinous crimes Peng and Huang were cashiered.

Yet this was not the end of the matter. The professionalism in the army was still strong enough to attempt to pressure Mao Tse-tung in repeatedly urging him to reinstate Peng Teh-huai. Mao who is a past master in making use of force had kept the army in its "proper place," that is, as the "instrument" but not the usurper of the Communist Party. He was peculiarly sensitive to the danger of this show of independence on the part of the army as synonymic with outrageous importunity and unmitigating arrogance. But he had to proceed with caution for fear of open insurgency and revolt. In the behind the scene maneuverings Mao gained the upper hand and announced the abolishment of all ranks in the armed forces. The Communist official explanation was that abolishing rank was merely a return to old revolutionary traditions and in one sense it was quite true—a return of complete subordination of the army to the party. Actually it was the intentional downgrading of "professionalism" in the armed forces because the military was becoming an imperium in imperio—a state within a state and regarded itself strong enough to challenge the Maoist principle of "politics is the field marshal" or if you will, "putting politics in command"—a dictum which Lin Piao stressed emphatically in a 7,000-word article on September 30, 1959 after replacing Peng Teh-huai as "defense minister" on September 17, 1959.

To Mao that the Communist military headed by Peng Teh-huai and Huang Ke-cheng challenged his precept of governance was a great and significant double blow, for Peng Teh-huai is not only a native of Hunan, the same province from which Mao comes, but is also one of the stalwarts of long association and had commanded one of the Red armies during its long flight to Yenan. That Peng and the army brass who had always done his bidding unquestioningly had the insistent temerity and gall to question his wisdom was extremely irritating and disturbing to him. Following the dismissal of Peng and Huang, and to ensure implicit discipleship and obedience, Mao appointed Lin Piao as defense minister and Lo Jui-ching, his erstwhile chief of the secret police, as chief of staff, with Lo having the effective command of the army as Lin Piao's health has been frail. Mao then felt that the dangerous weapon, the army, was once more in safe hands. It is indeed ironic that with the elapse of a few years, Mao's man Friday, Lo Jui-ching, too came to espouse the view of "elite professionalism" of the armed forces, the very view that Lo was specifically put in to deracinate and exterminate. The controversies in the wisdom of ultimately facing well-armed adversaries with conventional weapons represented by rifles and bayonets and the constant interference of the political commissars in the armed forces again became major problems. A long article bearing Mao's imprint of thinking published by the *Chieh Fank Chun Pao* (Liberation Army Daily) emphasized that all battles were decided by combat at close range and by soldiers using conventional weapons. I quote: "The more we rely on close combat and night combat to decide the issue, and the more we rely on courage, sacrifice and the spirit of man, the more we should give priority to the factor of man." Here I should say that the First Division Airmobile encountered exactly this kind of sticky situation of close combat where bombing against the North Vietnamese regulars could not be used because of this "sic-'em" technique of the Communists. Continuing the article stated that what the American imperialists fear most is a people's war, in particular, close combat and bayonet fighting, and that it is for the Chinese Communists to choose the combat tactics in which the imperialist vulnerability is greatest. As proof of the thesis that even in modern conflict man is more decisive than weaponry, the Chinese Communists point to the fact that despite overwhelming fire power and machine and mechanized advantage the United States has, both Hanoi and the Vietcong are still well holding their own.

To the Maoists, a man who is prepared to die or be forced or goaded to die for Mao Tse-tung thinking is more effective than an American or Russian imperialist equipped with the most up-to-date weaponry. To any sane person with common sense not to say to the professional military view, this Maoist arcana posits, for the present, two implicits: (1) The unwavering aim of fighting a war against imperialists, revisionists and reactionists meaning the United States, Russia and India; (2) the determination of fighting the war of expansion for the sake of Communist world revolution with the 750 million Chinese as the "secret weapon," thermonuclear or no thermo-nuclear holocaust. To Mao, Lo Jui-ching representing the cowardly hidebound "bourgeois military attitudes" in

the armed forces which want better relations with Russia is treasonous. That Peng Tehhual, one of his long trusted lieutenants should question his infallibility and prowess in 1959, and Lo, his Lavrenti Beria, should joint the "anti-party gang" now are almost irreparable blows to Mao's trust in the men around him. The recent special emphasis and mention of Chiang Ching, his frustrated actress wife, as Mao's confidante, and her sudden emergence as "an entity in her own right in the Communist hierarchy" indicate Mao's extreme suspicion of almost everyone around him and can only be explained by onsetting senility, since participation in responsible public affairs demands a confluence of multiples, amongst them public trust and administrative talents. Varied abilities are not the monopoly of a few and certainly not limited to Mao, his wife and his flunkies.

A Tokyo September 4th wire service report says that the innoxious-sounding "cultural revolution" is further practicing nihilistic extremism; Mao in perpetuating Maoist thinking is also ridding mainland China of all vestiges of so-called "foreign influence." In this extremism the Red Guards have closed Peiping's cemetery for Europeans and has renamed it "Anti-Imperialist Anti-Revisionist Orchard." The road on which the Russian diplomatic mission is located is now called the "Anti-Revisionist Road," a nettlingly deliberate and constantly reminding insult to the Kremlin. The city of Peiping is replete with "Anti-Imperialism Road, Prevent Revisionism Road, Struggle Against Revisionism Road," etc., as if these anti-this and anti-that will act as talismans to ward off or wish away the impending doom the Maoists desperately fear.

On August 25th Reuters reported that the Red Guards took over a Roman Catholic convent run by four elderly nuns and plastered it with posters denouncing religion and "foreign devils." From the street it was seen that statues of Christ and Virgin Mary had been broken, while the gentle Catholic nuns were forced to sit in the gutters and publicly made to tear up the Bible. At their exit from the mainland on the Honkong border they had to line up facing the menacing fists, vituperations and physical threats of the Red Guards chanting and acting in unison. The largest mosque in Peiping was invaded and a Moslem Iman was dragged out and beaten. Doctors were put on trial and forced to walk on their knees because they had treated foreigners, and residents were dragged from their homes for some imagined crime in midnight raids and led away to labor camps. Suicides because of fear and indignities suffered have become frequent common day occurrences. Here I would like to say that the free world should not be frightened into believing that millions upon millions of Red Guards are truly dyed-in-the-wool dedicated Maoists who would die to a man for Mao or that the 750 million Chinese would march to fulfill Mao's egocentric mania of "world revolution" any more than to think that the German and Japanese peoples noted for intransigeance would have died in fighting for Hitler and the Japanese warlords as was the mistaken mood in the anti-axis world during World War II. As a matter of fact, the frenzied anarchy now continuing is the result of a partial irrational malevolent exuberance born of blind emotionalism, that is part hooliganism, part bullyism, part a chance for gaining coveted larceny and part opportunism overlaid with a layer of self-righteous importance of serving an "in" cause—others of the so-called Red Guards are compelled to join for fear of indeterminate punishment by not joining. Such is the churning mass psychology and fear psychosis on the mainland today. Mao Tse-tung used Lin Piao's armed following to "fix" the recalcitrant factions of the party which in turn purged the Peiping party boss Peng Chen. Mao is now using the persons of Lin Piao and Yang Cheng-wu to "fix" the armed forces of their anti-Maoist thinking as well as using the undisciplined indehiscent youths, the Red Guards, as a mass political and paramilitary pressure group to cower the military thus doubly insuring himself against future insurgency. Such is a regime which has been in existence for 17 years, which calls itself a government and yet always is fighting for its own existence with violence and which must still resort to planned reigns of terror from time to time to suppress and oppress the Chinese people; it has now resorted to devouring its own children of the "Communist revolution" in order to maintain power.

It does not take any great mental faculty to translate the torrents of Russian, Japanese and neutral reports emanating from the mainland to realize what the Chinese people are suffering. I have suggested elsewhere that there are only two solutions to this vexatious problem facing Russia, the United States and India as well as Southeast Asia and ourselves: (1) To bash in the door with overwhelming force so that all the rottenness will fall out of its own accord, or (2) to use the proper key and deftly unlock the door that will be the beginning of the end for the inquisitorial Maoist ogres. And let me add that the key to a door is never as big as the door, and certainly never bigger than the door.

Being of a generation that can still remember the days when every singing of a strong love for country was an emotionally and spiritually cleansing and gratifying experience, I cannot but advert that today, the upholding of ideals which America has stood for bears a tattoo of "behind the times" unsophistication, and patriotism evokes a pained look of incredibility, as if one were being obscene or slightly mad. Such is the free world's passive surrendering of will and intelligence to these new times.

In the words of Walter Bagehot: "The characteristic danger of great nations like the Roman or the English which have a long history of continuous creation, is that they may at last fail from comprehending the great institutions which they have created."

These indeed are words worth pondering over, and heeding.

THE PRESIDENT'S SPEECH AT THE NATIONAL CONFERENCE OF EDITORIAL WRITERS

Mr. JACKSON. Mr. President, I wish to place in the RECORD the speech of President Johnson at the National Conference of Editorial Writers in New York on Friday, October 7, 1966.

President Johnson's remarks on NATO and East-West relations are superbly timed and highly significant. He has asserted a new leadership in a positive allied program of political cooperation with East European countries and the Soviet Union, at a time when Moscow's feud with Peking may open the way to some reciprocal Russian moves of cooperation with the United States and Western Europe. The President has coupled this political initiative with new, practical steps to help reduce outdated obstructions to American economic contacts with Eastern Europe.

At the same time, the President has emphasized that the new stage in East-West cooperation must be accompanied by the strengthening of the Atlantic Alliance, rather than weakening it as De-Gaulle tries. He said:

The bonds between the United States and its Atlantic partners provide the strength on which the world's security depends.

The key step implicit in President Johnson's initiative is mutual, gradual, and balanced reduction and withdrawal of military forces from central Europe. The President's stress on "mutual" reductions and redeployments in East-West forces is a much-needed counter to the voices often raised on behalf of substantial, unilateral cutbacks of American combat capability in Europe. As I said on the Senate floor on September 1 this year:

We could look safely forward to the reduction and redeployment of U.S. and allied NATO combat forces if the Soviets and the other Warsaw Pact countries make effective military and political arrangements for an equivalent reduction and redeployment of their forces.

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

REMARKS OF THE PRESIDENT AT NATIONAL CONFERENCE OF EDITORIAL WRITERS, CARNEGIE ENDOWMENT BUILDING, NEW YORK, OCTOBER 7, 1966

I remember some years ago Franklin Roosevelt addressed the Daughters of the American Revolution. His opening words were not "My Friends," but "Fellow Immigrants."

And he was right. Most of our fathers came from Europe—East or West, North or South. They settled in London, Kentucky; Paris, Idaho; and Rome, New York. Chicago, with Warsaw, is one of the great Polish cities of the world. And New York is the second capital of half the nations of Europe. That is the story of our country.

Americans and all Europeans share a connection which transcends political differences. We are a single civilization; we share a common destiny; our future is a common challenge.

Today two anniversaries especially remind us of the interdependence of Europe and America.

On September 30, seventeen years ago, the Berlin airlift ended.

On October 7, four years ago, the Nuclear Test Ban Treaty was ratified.

There is a healthy balance here. It is no accident. It reflects the balance the Atlantic Allies have tried to maintain between strength and conciliation, between firmness and flexibility, between resolution and hope.

The Berlin airlift was an act of measured firmness. Without that firmness, the Marshall Plan and the recovery of Western Europe would have been impossible.

That hopeful and progressive achievement, the European Economic Community, could never have been born.

The winds of change which are blowing in Eastern Europe would not be felt today.

All these are the fruits of our determination.

The Test Ban Treaty is the fruit of our hope. With more than 100 other signers we have committed ourselves to advance from deterrence through terror toward a more cooperative international order. We must go forward to banish all nuclear weapons—and war itself.

A just peace remains our goal. But we know that the world is changing. Our policy must reflect the reality of today—not yesterday. In every part of the world, new forces are at the gates: new countries, new aspirations; new men. In this spirit, let us look ahead to the tasks that confront the Atlantic nations.

Europe has been at peace since 1945. But it is a restless peace—shadowed by the threat of violence.

Europe is partitioned. An unnatural line runs through the heart of a great and proud

nation. History warns us that until this harsh division has been resolved, peace in Europe will not be secure.

We must turn to one of the great unfinished tasks of our generation: making Europe whole.

Our purpose is not to overturn other governments, but to help the people of Europe to achieve: a continent in which the peoples of Eastern and Western Europe work together for the common good; a continent in which alliances do not confront each other in bitter hostility, but provide a framework in which West and East can act together to assure the security of all.

In a restored Europe, Germany can and will be united.

This remains a vital purpose of American policy. It can only be accomplished through a growing reconciliation. There is no shortcut.

We must move ahead on three fronts:

First, to modernize NATO and strengthen other Atlantic institutions.

Second, to further the integration of the Western European community.

Third, to quicken progress in East-West relations.

Let me speak to each in turn.

I. Our first concern is to keep NATO strong and abreast of the times.

The Atlantic Alliance has proved its vitality. Together, we have faced the threats to peace which have confronted us—and we shall meet those which may confront us in the future.

Let no one doubt the American commitment. We shall not unlearn the lesson of the thirties, when isolation and withdrawal were our share in the common disaster.

We are committed, and will remain firm.

But the Atlantic Alliance is a living organism. It must adapt to changing conditions.

Much is already being done to modernize its structures: we are streamlining NATO command arrangements; we are moving to establish a permanent nuclear planning committee; we are increasing the speed and certainty of supply across the Atlantic. However, we must do more.

The Alliance must become a forum for increasingly close consultations. These should cover the full range of joint concerns—from East-West relations to crisis management.

The Atlantic Alliance is the central instrument of the Atlantic Community. But it is not the only one. Through other institutions the nations of the Atlantic are hard at work on constructive enterprise.

In the Kennedy Round, we are negotiating with the other Free World nations to reduce tariffs everywhere. Our goal is to free the trade of the world from arbitrary and artificial constraints.

We are also engaged on the problem of international monetary reform.

We are exploring how best to develop science and technology as a common resource. Recently the Italian Government has suggested an approach to narrowing the gap in technology between the United States and Western Europe. That proposal deserves careful study. The United States is ready to cooperate with the European nations on all aspects of this problem.

Last—and perhaps most important—we are working together to accelerate the growth of the developing nations. It is our common business to help the millions in these nations improve their standards of life. The rich nations cannot live as an island of plenty in a sea of poverty.

Thus, while the institutions of the Atlantic Community are growing, so are the tasks which face us.

II. Second among our tasks is the vigorous pursuit of further unity in the West.

To pursue that unity is neither to postpone nor neglect the search for peace.

There are good reasons for this:

A united Western Europe can be our equal partner in helping to build a peaceful and just world order;

A united Western Europe can move more confidently in peaceful initiatives toward the East;

Unity can provide a framework within which a unified Germany could be a full partner without arousing ancient fears.

We look forward to the expansion and further strengthening of the European Community. The obstacles are great. But perseverance has already reaped larger rewards than any of us dared hope twenty years ago.

The outlines of the new Europe are clearly discernible. It is a stronger, increasingly united but open Europe—with Great Britain a part of it—and with close ties to America.

III. One great goal of a united West is to heal the wound in Europe which now cuts East from West and brother from brother.

That division must be healed peacefully. It must be healed with the consent of Eastern European countries and the Soviet Union. This will happen only as East and West succeed in building a surer foundation of mutual trust.

Nothing is more important for peace. We must improve the East-West environment in order to achieve the unification of Germany in the context of a larger, peaceful and prosperous Europe.

Our task is to achieve a reconciliation with the East—a shift from the narrow concept of coexistence to the broader vision of peaceful engagement.

Americans are prepared to do their part. Under the last four Presidents, our policy toward the Soviet Union has been the same. Where necessary, we shall defend freedom; where possible we shall work with the East to build a lasting peace.

We do not intend to let our differences on Vietnam or elsewhere prevent us from exploring all opportunities. We want the Soviet Union and the nations of Eastern Europe to know that we and our allies shall go step by step with them as far as they are willing to advance.

Let us—both Americans and Europeans—intensify our efforts.

We seek healthy economic and cultural relations with the Communist states.

I am asking for early Congressional action on the U.S.-Soviet Consular Agreement.

We intend to press for legislative authority to negotiate trade agreements which could extend most-favored-nation tariff treatment to European Communist states.

And I am today announcing these new steps: we will reduce export controls on East-West trade with respect to hundreds of non-strategic items; I have today signed a determination that will allow the Export-Import Bank to guarantee commercial credits to four additional Eastern European countries—Poland, Hungary, Bulgaria and Czechoslovakia. This is good business. And it will help us build bridges to Eastern Europe.

The Secretary of State is reviewing the possibility of easing the burden of Polish debts to the U.S. through expenditures of our Polish currency holdings which would be mutually beneficial to both countries.

The Export-Import Bank is prepared to finance American exports for the Soviet-Italian FIAT auto plant.

We are negotiating a civil air agreement with the Soviet Union. This will facilitate tourism in both directions.

This summer the American Government took additional steps to liberalize travel to Communist countries in Europe and Asia. We intend to liberalize these rules still further.

In these past weeks the Soviet Union and the United States have begun to exchange cloud photographs taken from weather satellites.

In these and many other ways, ties with the East will be strengthened—by the U.S. and by other Atlantic nations.

Agreement on a broad policy to this end should be sought in existing Atlantic organs.

The principles which should govern East-West relations are now being discussed in the North Atlantic Council.

The OECD can also play an important part in trade and contacts with the East. The Western nations can there explore ways of inviting the Soviet Union and the Eastern European countries to cooperate in tasks of common interest and common benefit.

Hand-in-hand with these steps to increase East-West ties must go measures to remove territorial and border disputes as a source of friction in Europe. The Atlantic nations oppose the use of force to change existing frontiers.

The maintenance of old enmities is not in anyone's interest. Our aim is a true European reconciliation. We must make this clear to the East.

Further, it is our policy to avoid the spread of national nuclear programs—in Europe and elsewhere.

That is why we shall persevere in efforts to reach an agreement banning the proliferation of nuclear weapons.

We seek a stable military situation in Europe—one in which tensions can be lowered.

To this end, the United States will continue to play its part in effective Western deterrence. To weaken that deterrence might create temptations and endanger peace.

The Atlantic allies will continue together to study what strength NATO needs, in light of changing technology and the current threat.

Reduction of Soviet forces in Central Europe would, of course, affect the extent of the threat.

If changing circumstances should lead to a gradual and balanced revision in force levels on both sides, the revision could—together with the other steps that I have mentioned—help gradually to shape a new political environment.

The building of true peace and reconciliation in Europe will be a long process.

The bonds between the United States and its Atlantic partners provide the strength on which the world's security depends. Our interdependence is complete.

Our goal, in Europe and elsewhere, is a just and secure peace. It can most surely be achieved by common action. To this end, I pledge America's best efforts: to achieve new thrust for the Alliance; to support movement toward Western European unity; and to bring about a far-reaching improvement in relations between East and West.

Our object is to end the bitter legacy of World War II.

Success will bring the day closer when we have fully secured the peace in Europe, and in the world.

MEMORIAL STATEMENT TO THE HONORABLE WAYNE G. BORAH

Mr. ELLENDER. Mr. President, on February 6, 1966, the Honorable Wayne G. Borah, a respected Louisiana jurist, and nephew of the late William E. Borah, a Senator from Idaho well remembered in this body, passed away. On August 24 of this year, a ceremony was held in the U.S. District Court for the Eastern District of Louisiana to honor the memory of Wayne G. Borah, judge of the U.S. District Court for the Eastern District of Louisiana from 1928 until 1949, and judge of the U.S. Court of Appeals for the Fifth Circuit from 1949 until his retirement in 1957.

In light of the respect and affection this body holds for the late Senator Borah, and in light of the great services rendered to Louisiana and the Nation during turbulent times by Judge Borah, I believe it appropriate that I call this memorial service to the attention of the Senate. I will include excerpts from the U.S. district court's memorial resolution in my remarks.

The memorial statement begins with a short statement of the Borah family history, which I found of great interest. The pertinent portions read as follows:

In the little town of Fairfield, Illinois, in the period 1850–1870, three sons and six daughters were born to William Nathan Borah and his wife, Eliza West. One of the sons, Walter Borah, grew up and moved to Franklin, Louisiana, where he opened a pharmacy. A second son, William Edgar Borah, also grew up but took to the law as a profession. It is reported that he was unsuccessful in Kansas City, Missouri and that taking all his money in hand he presented himself at the railroad station and asked for a ticket to go as far as the money would take him. It took him to Boise, Idaho, where he opened a law office, married the governor's daughter, and eventually in 1907, became U.S. Senator from Idaho. For 32 years he represented the State of Idaho and the United States of America in the U.S. Senate and in the process became world renowned as a legislator and as a statesman.

The third son, Charles Frank Borah, grew up and likewise embraced the practice of law as a profession. He married Frances Thomas, daughter of John F. Thomas and Elizabeth Freer and, at the invitation of his brother, Walter, the newlyweds spent their honeymoon in Franklin. So much did they like the place and the people that before long Charles Borah and his wife moved to Baldwin, La., just outside Franklin, to make it their home, and in Franklin itself he opened an office for the practice of law. On April 28, 1891, in Baldwin, was born their only child, a son, Wayne G. Borah. Very few now know what the "G" in his name stood for. Early in life he is said to have had it legally reduced to the initial "G" and so it reads on his headstone.

In 1915, Judge Borah received his law degree from Louisiana State University. After graduation, he joined his father in the practice of law under the firm name of Borah, Himel & Borah. Judge Borah served in the Army in the First World War and then returned to the practice of law in Louisiana. In 1923, he was first appointed as assistant in the office of the U.S. attorney for the eastern district of Louisiana, and 2 years later was appointed U.S. attorney for the eastern district.

I recall he served successfully and well and it is of particular interest to me that in the capacity of U.S. attorney, Judge Borah compiled an alltime record in the collection of moneys due the United States. In 1938, he was appointed to the district bench at the age of 38, to become one of the youngest judges in the Nation.

It is well known that the U.S. District Court for the Eastern District of Louisiana has always had an extremely heavy caseload, as has the Fifth Circuit Court of Appeals. During his tenure as district judge, Judge Borah acted to fully develop the pretrial procedure which is today so important in our judicial process. This accomplishment is pointed up as follows in the memorial statement:

During the period from 1941 to 1949 the judges of this court, under the leadership of Judge Borah and spurred by the necessity of controlling the huge caseload, developed to the full the use of pre-trial procedure long before most other courts in the country had appreciated its possibilities, and while filings per judge in this district were the highest in the United States, the dispositions per judge were also the highest, primarily due to the skillful use of pre-trial. In 1949 a vacancy occurred in the U.S. Fifth Circuit Court of Appeals. Judge Borah was offered the appointment, accepted it and found himself again on a court with the largest caseload, appellate this time, in the Nation. He remained there until his retirement in 1957.

Mr. President, the memorial statement also includes a series of short statements dealing with many of the judge's qualities which made him an asset to the Federal judiciary. I might point out that these include the fact that Judge Borah was firmly against judicial legislation, believing as he did that it was the court's function to interpret the law and the Congress and other legislative bodies to enact it. His decisions were well reasoned and dignified with the solidity of able exposition of the facts accompanied by sound judicial interpretation of the law in the light of thc decided cases. He never stepped beyond these bounds in order to obtain personal praise for blazing some new legal trail, or for writing some long, heavily documented opinion that would display his legal erudition.

Needless to say, I find this a most commendable quality in any judge, but it is only an example of the many characteristics which he displayed while on the bench. Because of the qualities enumerated in the memorial statement, and because of his many other achievements as a man and as a jurist, I always held Judge Borah in high esteem. Mr. President, I ask unanimous consent that the final portion of the memorial statement be placed in the RECORD at this point of my remarks.

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

EXCERPTS FROM MEMORIAL STATEMENT

He was an unflaggingly industrious judge. For 13 years he singlehandedly labored long and hard on weekdays and week-ends to care for the many matters that this large metropolitan district brought to the federal court, and for 8 years thereafter, first with Judge Adrian J. Caillouet and then with Judge Herbert W. Christenberry, he continued so to labor under the largest caseload per judge in the nation.

He was a careful and painstaking judge. He worked hard and unceasingly over every matter coming to him for decision, drafting and redrafting, correcting and recorrecting every order, judgment, decree, and opinion until every word, phrase, clause and paragraph expressed exactly the meaning he desired and, to the best of his ability, set forth the true facts and law where these were at issue.

He was a patient judge. No lawyer who ever practiced before Judge Borah could say that he had not been given free and full opportunity to express himself in his own way on behalf of his clients, without let, hindrance or confusion from the bench. He recognized that lawyers too were only human and was tolerant of their human frailties and errors. The young, the inexperienced, the inept, were patiently and fully heard and guided.

He was a deliberate judge. His judicial actions and determination were never done or made in haste but only after careful deliberation and careful consideration of the demands of the facts, the law and essential justice. What time was necessary to so deliberate and consider, that time he gave.

He was a restrained and moderate judge. In all of his years on the bench he never lost his temper even under the greatest of provocations. He never berated or threatened or heatedly argued with lawyer, litigant or witness, but throughout all contact with the Bar or the public kept his emotions in check and preserved a judicial calm.

He was a kind, considerate and courteous judge. He never used the power of his office to overawe attorneys or the public but heard all who came before him equally fully, and attentively. The rich, the poor, the high, the low, received the same hearing, the same considerate attention, the same full consideration.

He was a modest judge. Judge Borah was a nonseeker of publicity. He was well satisfied to be without the public eye. He never himself referred to his legal ability and he deplored any such reference in his presence, nor did he circulate his opinions with a view to publicity.

He was a dignified judge. His dignity and the resultant dignity of his courtroom were of common knowledge to the Bar and to the public. He would allow no unseemly demonstrations, loud language, disorderly actions, no picture taking or any other matter that would detract from the dignity of the courtroom or the doing of justice in a fair and impartial manner. It was the common experience of those who attended his court to have an inner compulsion to tip-toe and whisper as they entered the room. He was so sure of his own dignity as judge that no need existed to make it known to others, they knew it instinctively, and the occasion was rare when he had to take any action to preserve courtroom decorum.

He was an able judge. His decisions did not shake the legal framework or cause legal convulsions, but they were sound, well-considered, well-reasoned, carefully drafted following the law to the extent that laborious and painstaking research could ensure. A tribute to his efforts is the fact that, in all of his years as district judge, we cannot recall his ever being reversed in a criminal case, despite the fact that a very large number of notable criminal cases came up before him during his tenure. The reversals as to civil cases were rare. He believed as did his friend and mentor, Judge Rufus E. Foster, District Judge for this District and later Judge and Chief Judge of the 5th Circuit Court of Appeals, that if you took care to get all the facts the law would take care of itself, and so he strove in his opinions to set out the facts carefully and in detail. Judge Borah was no innovator. He was firmly against judicial legislation, believing as he did that it was the court's function to interpret the law and the Legislature's to make it. His decisions therefore are dignified with the solidity of able exposition of the facts accompanied by sound judicial interpretation of the law in the light of the decided cases. He never stepped without these bounds in order to obtain personal praise for blazing some new legal trail, or for writing some long, heavily documented opinion that would display his legal erudition. The length of his opinions was determined primarily by the length of the recital of the facts.

He was an impartial judge. Difficult as this is of accomplishment, Judge Borah had this quality to a remarkable degree. He kept an open mind until all the facts were at hand and until he was completely satisfied as to the law. He never pre-judged cases or argued

with counsel or witness with any preconceived idea in mind but waited patiently until all the facts were in before reaching a conclusion. He made no distinctions between persons in his decisions but treated all alike. He made every effort to see that the jurors who heard cases before him also recognized their duty to be impartial and to decide only upon the facts adduced at the trial and the law as he gave it to them.

He was an honest and ethical judge. His integrity was a thing above reproach. He made deliberate, determined efforts to avoid making any statements, written or oral, incurring any outside commitments or obligations, (whether business or private) or taking any other actions which might influence, or be considered to influence, his judicial decisions in matters that were before him or that might come before him. He would not discuss matters pertaining to a case or matter before him without both sides present or represented nor would he permit any such matters to be discussed ex parte in his presence. He would not discuss with, or bargain with, either the government or private counsel as to any possible sentence or sentences in criminal matters, believing that this was a matter for his determination upon facts and argument developed in open court in the light of the law applicable.

He was an admired and respected judge. During the period when he was serving alone as judge of the U.S. District Court for the Eastern District of Louisiana, to the public at large Judge Borah was the court. During the period of the Huey Long era, the streetcar strike, the long drawn out so-called "scandal" cases following Huey Long's death, the depression of the 1930's, the war-time controls, the fur litigation and the beginning oil litigation, he stood as a Rock of Gibraltar to which litigants and the public could look for protection. Throughout his whole tenure as a judge no shadow of scandal or cloud of any kind was ever cast upon his integrity, fairness, impartiality, or ability. The mark that he has left upon the history of this part of Louisiana will rest solidly upon the complete trust that its people reposed in these qualities of his for the solution of their problems and the preservation of their rights.

In the nature of things, it is impossible that such a judge should ever be forgotten, but, in order that the records of this court may reflect the love, administration and respect in which he was held by its Bench and Bar and the public at large, your Committee does now offer the following Resolution.

Be it resolved that the foregoing Memorial Statement be spread at large on the minutes of this court; that certified copies thereof and of this Resolution be presented to the widow and to each of the children of Judge Borah; and that this court be adjourned until tomorrow morning in respect to the memory of Judge Wayne G. Borah, former judge of this, the United States District Court for the Eastern District of Louisiana.

Respectfully submitted.

MEMORIAL COMMITTEE,
HARRY B. KELLEHER, *Chairman.*
H. PAYNE BREAZEALE.
HUGH M. WILKINSON.
EDMOND E. TALBOT.
EUGENE E. TALBOTT.
EUGENE D. SAUNDERS.
ASHTON PHELPS.
KATHLEEN RUDDELL.
A. DALLAM O'BRIEN, Jr.
BENJAMIN W. YANCEY.

Mr. RUSSELL of Georgia. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Georgia.

Mr. RUSSELL of Georgia. Mr. President, as one who knew Judge Borah and who served in this body with his uncle, Senator Borah, of Idaho, I wish to associate myself with what the Senator from Louisiana has said. I had a brother, who has since passed away, who served on the same court with Judge Borah, and Judge Borah and his wife and my brother and his wife were friends. They visited in each other's homes.

Judge Borah was a fine lawyer, and, beyond question, an eminent judge, who would never abuse the judicial power of the court. He would never drag the judicial ermine into the mud and mire in order to obtain publicity and front page headlines, as some of his successors on the bench have done. He was a judge in the finest and highest sense of the word.

I can only hope that we may in the future get more real judges on the bench who recognize the doctrine of stare decisis, who are interested, at least to some degree, in precedents in passing on cases on the Federal bench.

DR. GEORGE W. CALVER

Mr. YARBOROUGH. Mr. President, for 38 years the Congress has had the benefit of the medical knowledge and skill of it's first attending physician, Dr. George W. Calver.

Dr. Calver's long and meritorious service is well known to both Members of the House and Senators. Congress passed a special bill in 1933 to make sure that Dr. Calver remained in service as a Navy physician at the Capitol, as he has served since 1928. On September 30 of this year, this Senate confirmed his appointment as vice admiral, retired, of the U.S. Navy.

Such actions are conclusive evidence of the high esteem with which Dr. Calver is held by his congressional patients. He has labored long and diligently. It is with great reluctance that we bid him adieu as he enters into his well-earned retirement years.

With this fond farewell in mind, I ask unanimous consent that an article from the October 10, 1966, Washington Post briefly telling of Dr. Calver's distinguished career be printed at this point in the RECORD.

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

[From the Washington Post, Oct. 10, 1966]

CAPITOL'S FIRST ATTENDING DOCTOR RETIRING TUESDAY AFTER 38 YEARS

(By Claude Koprowski)

Dr. George W. Calver, who saw Congress stretch his three-year hitch as the Capitol's first attending physician to 38 years, will retire Tuesday.

During his "term" on the Hill, Dr. Calver was primarily concerned with preventive medicine.

"The chief thing I have been able to do up here is to tell people they need exercise," he said. "As a result, more than 300 members of the House and 80 of the Senators use their gyms. The chief game for relaxation up here is either playing paddle ball or going down to the pool and seeing who can outswim the other.

"Last year we went through the entire year without a single coronary. This year we have had several; the tension has been so high," he noted.

Calver was a physician at the Naval Dispensary here in 1928 when he was transferred to the Capitol as the attending physician.

"In 1933 I was due to go to sea again, and they (the members of Congress) wanted me to stay on here as a civilian. I told them I couldn't lose credit for my Naval service. So two days later, two of them asked me if I would be willing to stay if they fixed things up with the Navy. I said I would, so that afternoon they passed a law which prohibited the Navy from transferring me."

Calver was a commander then. But on Sept. 30, the Senate acted again in his behalf. They confirmed his appointment as vice admiral, retired. He had been a rear admiral since he retired from the Navy active list in 1947.

His career officer duties began in 1913, a year after he graduated from the George Washington University School of Medicine.

The 78-year-old physician said, "I am retiring because I have been working up here for more than 30 years, and I think it's time for a rest and some fishing. I like anything that will take a worm off the hook."

A native Washingtonian, he said he plans to retire to his home at 3135 Ellicott st. nw., where he and his wife, Jessie, maintain a rose garden between fishing trips.

He will be succeeded by Dr. Rufus J. Pearson Jr., 50, who was the chief of medicine at the Portsmouth Naval Hospital before going to the Hill in July, at Dr. Calver's urging.

BANK MERGER ACT AMENDMENTS

Mr. ROBERTSON. Mr. President, I have received a copy of the opinion of Circuit Judge Pope in the Crocker-Anglo National Bank merger case in California, giving the court's reasons for referring the matter back to the comptroller for a decision by him under the new standards set forth in the Bank Merger Act Amendments of 1966.

As the first judicial decision under the new act, I believe this opinion would be of interest to Members of the Congress and to members of the public. I, therefore, ask unanimous consent to have this opinion printed in the RECORD at this point.

There being no objection, the court's opinion was ordered to be printed in the RECORD, as follows:

[U.S. District Court for the Northern District of California, Southern Division, Civil action No. 41,808]

UNITED STATES OF AMERICA, PLAINTIFF, *v.* CROCKER-ANGLO NATIONAL BANK, CITIZENS NATIONAL BANK, AND TRANSAMERICA CORPORATION, DEFENDANTS

OPINION AND ORDER

Before Pope, Circuit Judge, Sweigert and Zirpoli, District Judges.

Pope, Circuit Judge.

On May 13, 1963, some 34 days prior to the decision of the United States Supreme Court in United States v. Philadelphia Nat. Bank, 374 U.S. 321, (June 17, 1963), the Crocker-Anglo National Bank of San Francisco and Citizens National Bank of Los Angeles applied to the Comptroller of the Currency for permission to merge, under the charter of the former, with the title "Crocker-Citizens National Bank". After notice and public hearing held July 30 and 31, 1963, and receipt of some 1605 pages of testimony and exhibits, the Comptroller, on September 30, 1963, made a decision approving the proposed merger, subject to certain named conditions, based on his findings including the finding that the proposed merger would promote the public interest. The approval was to be effective on or after November 1, 1963. On October 8, 1963, this suit was filed attacking the proposed merger as unlawful under § 7 of the Clayton Act, (15 U.S.C. § 18) and § 1 of the Sherman Act, (15 USC § 1). A certificate under the Expediting Act (15 USC § 28)

was filed and pursuant thereto a three-judge court was named and assembled for the purpose of hearing the cause. The Government's application for a preliminary injunction was denied (United States v. Crocker Anglo Nat. Bank, 223 F. Supp. 849) and after completion of extensive pretrial proceedings and the making of a pretrial order the cause came on for trial on the merits. The trial began June 1, 1965 and the taking of testimony was concluded on June 18, 1965 with orders fixing the time for filing of briefs and proposed findings by the parties.

While the court was thus in the process of hearing testimony, on June 11, 1965 the Senate passed, with no opposing vote, its S. 1698, a bill under whose provisions, if enacted, this case would have become moot, for, as stated in the report accompanying the bill, the bill "would free the banks involved in such suits from further proceedings under the anti-trust laws." Whether it was because of their knowledge of the pendency of this legislation or otherwise, counsel by stipulation postponed the final filing of briefs and proposed findings until shortly before the passage of this proposed legislation, as amended in the House on February 9, 1966. The enactment, designated Public Law 89-356, 80 Stat. 7, was signed by the President on February 21, 1966.

The court was thus confronted with a somewhat extraordinary situation in which the law applicable to the case was changed after the testimony had been received and the cause submitted for decision. The measure, as finally enacted, made specific reference to this and other cases similarly situated in § 2(c) thereof which provides as follows: "Any court having pending before it on or after the date of enactment of this Act any litigation initiated under the antitrust laws by the Attorney General after June 16, 1963, with respect to the merger, consolidation, acquisition of assets, or assumption of liabilities of an insured bank consummated after June 16, 1963, shall apply the substantive rule of law set forth in section 18(c) (5) of the Federal Deposit Insurance Act, as amended by this Act."[1] The so-called "substantive rule of law set forth in § 18(c)(5)" is stated in the Act as follows: "(5) The responsible agency shall not approve—

(A) any proposed merger transaction which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(B) any other proposed merger transaction whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

In every case, the responsible agency shall take into consideration the financial and managerial resources and future prospects of the existing and proposed institutions and the convenience and needs of the community to be served.

That language refers to the tests to be applied, in a case of this type, by the Comptroller of the Currency in passing upon an application for approval of a proposed bank merger. Not only did § 2(c), quoted above, specifically direct that this court, in respect to this case, shall apply the substantive rule of law set forth in § 18(c)(5) but § 18(c)(7)(B) provided as follows: "In any judicial proceeding attacking a merger transaction approved under paragraph (5) on the ground that the merger transaction alone and of itself constituted a violation of any antitrust laws other than § 2 of the Act of July 2, 1890 (§ 2 of the Sherman Antitrust Act, 15 U.S.C. 2), the standards applied by the court shall be identical with those that the banking agencies are directed to apply under paragraph (5)."

After a special hearing conducted for that purpose evidence was received and the parties were granted time within which to file further briefs and memoranda expounding their views as to the action which the court should take in the light of the entire testimony and in view of the new enactment.

It is the Government's view that the new statute made no substantial change in the law or standards to be applied in passing upon the issues here presented. The Government puts it thus: "It is, of course, the essential position of the Government . . . that the 1966 amendment to the Bank Merger Act (P.L. 89-356; 80 Stat. 7) has not resulted in substantial change in substantive antitrust law or in the standards used by the courts in determining the legality of bank mergers."

The new enactment does pose some difficult questions which we shall note hereafter. But we find no difficulty in concluding that the new enactment made substantial changes in the substantive law and in the standards to be applied in this case. Not only the language of the enactment but its legislative history is very compelling on this point. As we have noted, both § 2(c) and § 18(c) 7(B), quoted above, specifically direct the court in this situation to apply the new standards of this Act. (The latter refers to the standards "directed to apply under paragraph 5" and § 2(c) and refers to these as "the substantive rule of law," set forth in that section.) It would be a bit startling to assume that in making this enactment, over which the congressional committees struggled long and hard, the Congress had turned up with nothing of substance, or had accomplished no change in respect to the law applicable for testing the validity of bank mergers.

The legislative history of the Act most emphatically contradicts the position now taken by the Government. The Senate Committee report, which accompanied the introduction of the bill in the Senate, took note of what Congress had contemplated would be the result of the Bank Merger Act of 1960. The Committee stated: "At that time it was clearly expected that the decision of the responsibile Federal banking authority, based on its own investigation and on reports on competitive factors from the other two banking agencies and from the Department of Justice, would be final and conclusive. The Attorney General's report was expected to be advisory only." The report states that the uncertainty created by the situation resulting from the Philadelphia and the Lexington bank cases (supra, note 1) "is harmful to the banking industry and to its customers. . . . There was unanimous agreement by all the witnesses that the present situation was undesirable and should be changed." The House Committee report states clearly the intent to make changes in the law as follows: "The intended legal effect of the bill is to modify the foregoing provision in three respects:

First, it is intended to make clear that no merger which would violate the antimonopoly section (sec. 2) of the Sherman Anti-Trust Act may be approved under any circumstances.

Second, the bill acknowledges that the general principle of the antitrust laws—that substantially anticompetitive mergers are prohibited—applies to banks, but permits an exception in cases where it is clearly shown that a given merger is so beneficial to the convenience and needs of the community to be served—recognizing that effects outside the section of the country involved may be relevant to the capacity of the institution to meet the convenience and needs of the community to be served—that it would be in the public interest to permit it.

Third, the bill provides that this rule of law is to be applied uniformly, in judicial proceedings as well as by the administrative agencies.

The most complete exposition of the congressional view in the process of this enactment is to be found in the remarks of Senator ROBERTSON at the time the bill, as amended to conform to the House Committee report, came back to the Senate. At that time Senator ROBERTSON, who was Chairman of the Senate Committee which had charge of the bill and who originally introduced the bill in the Senate, was recommending that the Senate accept the House amendment. No Member of Congress had remained in closer touch with the bill's progress through both Houses than Senator ROBERTSON. As he put it: "I have lived with this problem day and night for months. I am convinced that we have a good bill." What he then had to say expounded at considerable length the ideas which had been expressed by various House Members during consideration of the bill in the House.[2]

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[1] It was noted in the congressional debates that this section referred to three so-called "post Philadelphia cases—in Nashville, San Francisco and St. Louis—where mergers were consummated after that [Philadelphia] decision." This is the San Francisco case there referred to. The Philadelphia case referred to is United States v. Philadelphia National Bank, 374 U.S. 321. In that connection reference was also made to United States v. First Nat. Bank, 376 U.S. 665.

[2] Representative ASHLEY, one of the members principally in charge of the bill in the House, stated (CONGRESSIONAL RECORD, Feb. 8, 1966, p. 2446): "The bill would require the court to use the new standards of the bill in all . . . 'post Philadelphia' cases now pending in court. . . . The courts have repeatedly held that under the antitrust laws the social or economic benefits of a given merger cannot even be considered." The Congressman then quoted from the statement to that effect in the Philadelphia case: "It is a primary purpose of the bill to assure that the courts will never again dismiss as irrelevant the question of the needs of a community. . . . [T]he merger must be shown to be sufficiently beneficial in meeting the needs of the community to be served that, on balance, it may properly be regarded as in the public interest." During the same discussion Rep. STANTON, a member of the committee in charge of the bill (CONGRESSIONAL RECORD, Feb. 8, 1966, p. 2450), stated: "[I]t was the expressed purpose and intent of Congress when it passed the Bank Merger Act in 1960 to make certain that control of bank mergers should be in the hands of the appropriate banking supervisory agencies, and that while the competitive effects of a proposed merger should be considered, they were not to be given a predominant position. These standards were repudiated by the Supreme Court in the Philadelphia National Bank and the Lexington Bank cases in which the Court decided that the Justice Department had the final say in bank mergers. Contrary to the intent of Congress, the bank regulatory authorities were relegated to advisory roles.

These provisions . . . reinstate a measure of antitrust consideration which was lacking in the Senate bill, and they provide a banking standard that may allow economic assistance to a community even though a merger tends to lessen competition in that community. It is this statutory balance that was intended in 1960. . . .

The . . . bill . . . directs the courts to apply the banking standards as well as the competitive standards in any judicial proceeding attacking an approved merger transaction . . . it . . . gives these standards equal weight as between economic and competitive circumstances and it assures this equilibrium througout the entire review procedure."

Senator ROBERTSON said unequivocally that the purpose of the bill was to "reverse a decision of the Supreme Court." He said (CONGRESSIONAL RECORD, Feb. 9, 1966, p. 2652): "The bill will end the confusion and controversy which has surrounded the bank merger situation since the ill-advised and unfortunate decisions of the Supreme Court in the Philadelphia and Lexington cases and the district court decision in the New York case which followed those precedents. It will do this by establishing a uniform rule for the bank supervisory agencies and the courts to follow in bank merger cases: a rule which takes into account both the competitive factors on which the antitrust laws are based—for banks these were written into the Bank Merger Act of 1960—and the convenience and needs of the public to be served by the proposed merged bank." Referring to the pendency of the suit now before us, he said: "It would permit the continuance of proceedings against the three 'post-Philadelphia' cases—in Nashville, San Francisco, and St. Louis—where mergers were consummated after that decision, but in these three cases the courts would be directed to follow the new statutory standards laid down in the statute for all mergers to be considered in the future." And in a prepared statement which he incorporated in the record as a part of his remarks he said of the bill: "It will strike the Philadelphia, Lexington, and New York decisions and opinions from the books." [3]

[3] In an effort to find some legislative history to bolster its position that this Act made no changes in the law, the Government has inserted in its brief some quotations from the remarks of individual Congressmen during floor debate. Taken out of context, as they are, they prove nothing. It is true that the wording of § 18(c)(5) emphasized and restated the requirement that the Comptroller, and the reviewing courts, take into consideration the antitrust laws. This was noted in debate, but it was also noted that this Act definitely and positively added a new standard. As stated in the House Report of Supplemental views of Congressman OTTINGER who helped draft the bill: "It also assures that banking services available to meet the convenience and needs of a community are considered in all cases and will prevail where they clearly outweigh nonmonopolistic anti-competitive effects of a merger."

Counsel's quotations from the debate ignore the rule stated in Duplex Co. v. Deering, 254 U.S. 443, 474–475, as follows: "By repeated decisions of this court it has come to be well established that the debates in Congress expressive of the views and motives of individual members are not a safe guide, and hence may not be resorted to, in ascertaining the meaning and purpose of the law-making body. . . . But reports of committees of House or Senate stand upon a more solid footing, and may be regarded as an exposition of the legislative intent in a case where otherwise the meaning of a statute is obscure. . . . And this has been extended to include explanatory statements in the nature of a supplemental report made by the committee member in charge of a bill in course of passage." Counsel have largely confined their quotations to those from Congressmen WELTNER and TODD, who opposed the bill, and from Congressman PATMAN who bitterly fought the legislation and finally, through a face-saving compromise, introduced the bill, while stating that if he alone were writing the bill, he "would be against it as a matter of principle." (CONGRESSIONAL RECORD, February 8, 1966, p. 2464.) Counsel's choice of makers of remarks is not very persuasive.

Perhaps the most conclusive evidence of the fact that this Act alters the previous rules comes from a comparison of the language of this statute with what the Supreme Court said in the Philadelphia case, namely, that a bank merger such as that one "is not saved because, on some ultimate reckoning of social or economic debits and credits, it may be deemed beneficial." Section 18(c)(5), quoted above, expressly requires a consideration of similar factors thus rejected in Philadelphia.

This statute makes a further alteration in the nature of the proceeding now before us. After providing for the time of commencement of an action brought under the antitrust laws arising out of a merger transaction, § (c)(7)(A) stipulates: "In any such action, the court shall review *de novo* the issues presented." Returning now to the provisions of § 2(c), requiring this court to "apply the substantive rule of law set forth in § 18(c)(5)", and to § 18(c)(7)(B), reciting that in any judicial proceeding attacking a merger transaction approved under para-5, "the standards applied by the court shall be identical with those that the banking agencies are directed to apply under paragraph 5," it seems clear that what we are now called upon to do is to review a decision and determination of the Comptroller of the Currency.

To what extent that review can be "*de novo*", we shall have occasion to discuss hereafter. The immediate difficulty now presented is that the prior decision of the Comptroller of September 30, 1963, was not made under or in the light of the new Bank Merger Act of 1966.

It is true that the Comptroller then found that the proposed merger "will promote the public interest", using the language of the 1960 Act, but his determination did not contain findings covering the precise issues required to be determined by him under the language of § 18(c)(5) quoted above. Under that section it would be incumbent upon the Comptroller to determine whether any anti-competitive effects of the proposed merger were "clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served." We apprehend that an appropriate finding would specify in what respect the transaction would meet the convenience and needs of the community to be served.

There is another respect in which the earlier finding of the Comptroller may be inadequate and out-dated. His decision of September 30, 1963, antedated the decisions of the Supreme Court in United States v. El Paso Natural Gas Co., 376 U.S. 651, decided April 6, 1964, and United States v. Penn-Olin Chemical Co., 378 U.S. 158, decided June 22, 1964. In those cases the Supreme Court developed, to an extent not previously announced, the doctrine that § 7 of the Clayton Act is designed to preserve not merely present but potential competition in the market in question. This is the doctrine of the application of § 7 to potential competition. The principal argument made by the Government here relates to alleged elimination by the merger of *substantial potential competition* in the State of California.

The Act requires this court to proceed in this case in the same manner in which it would have to deal with some future proposed merger. Before we can perform the required function of reviewing the action of the Comptroller, the matter must be remanded for the consideration of the Comptroller under the provisions of the 1966 Act, a proposition we shall discuss hereafter.

Plainly enough the Act is designed to set up precise rules under which the validity of proposed bank mergers may be ascertained and determined. The first required step is the application to the Comptroller of the Currency [4] for written approval of the proposed merger. Upon hearing on such an application the Comptroller is directed to act upon the considerations set forth in § 18(c)(5) above referred to. Then, as indicated, if an action be brought attacking the merger transaction, it must be brought within limited time and in any such action "the court shall review *de novo* the issues presented." Thus the Act contemplates initial action by the Comptroller followed by a review at the instance of the Department of Justice.

When we face the task of complying with these requirements we are confronted with a difficulty arising out of the fact that the Act provides that this review shall be "de novo".

It will be noted that under § 5 the Comptroller is charged with ascertaining two sets of facts. The first is whether the effect of the proposed merger transaction "in any section of the country may be substantially to lessen competition" and the second, whether, having found that there would be anti-competitive effects in the proposed transaction, those effects "are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served."

No difficulty would be presented here so far as reviewing *de novo* the first of these determinations for this court has traditionally adjudged whether mergers have anti-competitive effects. But the problem of reviewing the second determination by the Comptroller, namely, whether the proposed transaction is outweighed in the public interest, and whether it meets the convenience and needs of the community, is plainly and unquestionably a legislative or administrative determination [5] of a type which this court, as

[4] It is this officer who must act if the acquiring, assuming or resulting bank is to be a national bank. Where a state bank is to be the resulting one, the decision is to be made by the Board of Governors of the Federal Reserve System. In other cases, the Federal Deposit Insurance Corporation is to make the decision.

[5] It will be noticed that the standards of § 5 are to be applied in granting or refusing leave to merge in the future. The contemplated action "looks to the future and changes existing conditions by making a new rule to be applied thereafter to . . . some part of those subject to [the Comptroller's] power," as fully as the establishment of railroad rates in Prentis v. Atlantic Coast Line, 211 U.S. 210, 226. It involves a determination and establishment of a public policy.

See Finfrock, "Trial de Novo—Panacea?" in 14 Baylor Law Review, 135, where the Texas cases are discussed: "This criterion in essence classifies as administrative and non-judicial decisional functions which courts are not particularly equipped to decide while leaving to the courts that category of decision making with which it has traditionally dealt and is equipped to handle under the adversary type of judicial procedure. Decisions that require the inquisitorial type of procedure, investigative in nature, and which must, to attain optimum utility, be based upon a mosaic of expert opinion, judgment, and decisions are and should be regarded as non-judicial and left primarily to the administrators. They are far more able to come to grips with such problems than a court or jury in the detached and sterile atmosphere of the courtroom." (p. 160)

a constitutional court, is prohibited from deciding.

The jurisdiction of this court is limited to cases and controversies as that term is used in Article III of the Constitution. As stated in Keller v. Potomac Electric Co., 261 U.S. 428, 444, "legislative or administrative jurisdiction can not be conferred" on a court such as this. This court, as well as the Supreme Court, "was brought into being by the judiciary article of the Constitution, is invested with judicial power only and can have no jurisdiction other than of cases and controversies falling within the classes enumerated in that article. It cannot . . . exercise or participate in the exercise of functions which are essentially legislative or administrative." Radio Comm. v. General Electric Co., 281 U.S. 464, 469. See also F.P.C. v. Idaho Power Co., 344 U.S. 17, where it was held that the authority of the Court of Appeals to affirm, modify or set aside an order of the Federal Power Commission did not include the power to exercise an essentially administrative function by determining what conditions should attach to a power license. We find an expression of the views of the Supreme Court on the precise question here involved in United States v. Philadelphia Nat. Bank, supra, at page 371. This view is to be found in the words which we have italicized in the following quotation: "We are clear, however, that a merger the effect of which 'may be substantially to lessen competition' is not saved because, on some ultimate reckoning of social or economic debits and credits, it may be deemed beneficial. A value choice of such magnitude is beyond the ordinal limits of judicial competence, and in any event has been made for us already, by Congress when it enacted the amended § 7. Congress determined to preserve our traditionally competitive economy."

This does not mean that the administrative order of an agency or commission may not be reviewed in a judicial proceeding in a constitutional court; but such a review is necessarily limited to the determination of questions of law and the ascertainment of whether findings of fact by the agency are supported by substantial evidence. Radio Comm'n v. Nelson Bros. Co., 289 U.S. 266, 275 to 276. As stated in Seaboard Air Line R. Co. v. U.S., 382 U.S. 154, 157, the question to be decided is "Whether the Commission has confined itself within the statutory limits upon its discretion and has based its findings on substantial evidence. . . ."

Since it is plain that this court cannot be invested with power to make an original and independent determination as to whether anti-competitive effects are "outweighed in the public interest" or what are the "convenience and needs of the community to be served" we are confronted with the question whether this Act's provision for a review de novo must be held null and void and therefore wholly disregarded.

We do not think so. There are certain general principles relating to construction of statutes which should aid us here. In U.S. v. Amer. Trucking Ass'ns., 310 U.S. 534, 543, the Court said: "There is, of course, no more persuasive evidence of the purpose of a statute than the words by which the legislature undertook to give expression to its wishes. Often these words are sufficient in and of themselves to determine the purpose of the legislation. In such cases we have followed their plain meaning. When that meaning has led to absurd or futile results, however, this Court has looked beyond the words to the purpose of the act. Frequently, however, even when the plain meaning did not produce absurd results but merely an unreasonable one 'plainly at variance with the policy of the legislation as a whole' this Court has followed that purpose, rather than the literal words."

In the case before us the use of the words "de novo", as we have noted, may have full significance in respect to this court's review of the Comptroller's determination of the existence or nonexistence of anti-competitive effects by the merger. But the language of the Act would lead to absurd and futile results if it were construed as requiring this Court to substitute its judgment for the findings of the Comptroller dealing with the public interest and the convenience and needs of the community. This court cannot validly be invested with power to make such a decision which, as we have noted, is plainly legislative or administrative in character. If we look to the purpose beyond the statute and to the policy of the legislation as a whole we must conclude that Congress has framed an Act which contemplates, as an important part thereof, provisions for review of the Comptroller's action.

Other courts have had occasion to deal with an identical problem arising from the use of the words "de novo" in state statutes providing for court reviews of administrative or legislative determinations. In those cases the courts have been confronted with difficulties comparable to those present here, some of them stemming from their constitutional provisions for separation of powers. Thus in Household Finance Corp. v. State, 40 Wash. 2d 451, 244 P. 2d 260, 264, the court, after holding invalid an attempt to vest a non-judicial power in a constitutionally created court, said: "We recognize that there is a wealth of authority to support respondent's position that where the only review of an administrative order that is constitutionally possible is on the question of whether the administrative body or officer acted arbitrarily, capriciously, or in violation of law, it will be held that a provision for a trial de novo means only that the appellate or reviewing court will be limited to a consideration of that particular question on the trial de novo. The basis for such holdings is the rule that when a statute is subject to two possible constructions, one of which will render it constitutional and the other unconstitutional, the legislature will be presumed to have intended a meaning consistent with the constitutionality of its enactment." (244 P. 2d 264)

A like decision was made by the Supreme Court of Indiana in *State Board* v. *Scherer*, 221 Ind. 902, 46 N.E. 2d 602, 604, where the court said: "It is true that the statute here in question seems to contemplate a de novo proceeding before the court, and a finding of 'guilty' or 'not guilty', but, regardless of what may seem a legislative intention to the contrary, this court has consistently construed similar statutes as vesting in the courts only such jurisdiction as the Constitution permits."

The same problem confronted the Supreme Court of Texas in *Jones* v. *Marsh*, 148 Tex. 362, 224 S.W. 2d 198. In that case the court was called upon to review an order made upon an application for a license to sell beer. The statute provided for an appeal and that such proceeding on appeal "shall be de novo under the same rules as ordinary civil suits." The court said (p. 201): "The statute does not expressly provide that there shall be in district court a full retrial of the facts as if there had been no findings made by the county judge, nor does the statute specify what issue or issues shall be tried in the district court. It may, therefore, reasonably be concluded, in view of the subject matter involved and the nature of the order to be reviewed, that only a limited review is intended, and that in so far as the facts which are the basis for the order of the county judge are concerned the question or issue to be determined in the district court is whether or not the findings of the county judge are reasonably supported by substantial evidence. Such a trial is one kind of a trial de novo, and the somewhat limited trial can be held, as the statute requires, under the rules applicable to ordinary civil suits." In other words, the sort of trial which the court could validly hold on review of an administrative order was held to be "one kind of a trial de novo."[6]

It seems reasonable to say that there may be a special kind of review de novo involved here, namely, a review involving a greater exercise of our judgment in respect to the question of anti-competitive effects, and a review, more limited under the so-called substantial evidence rule, of the Comptroller's determination of weight of public interest and of the character of the needs and convenience of the community.

Another general principle may therefore be applied here. Since the language of the Act could properly be construed to intend the special kind of de novo review just referred to, we can "apply the familiar canon which makes it our duty, of two possible constructions, to adopt the one which will save and not destroy. We cannot attribute to Congress an intent to defy the Fifth Amendment or 'even to come so near to doing so as to raise a serious question of constitutional law.'" Anniston Mfg. Co. v. Davis, 301 U.S. 337, 351, 352. See also Labor Board v. Jones & Laughlin, 301 U.S. 1, 30, and Ex Parte Endo, 323 N.S. 283, 299.[7]

It is plain to us that the congressional purpose here was to provide for an initial decision by the Comptroller and that the action brought by the Department of Justice should be deemed an action to review that decision. It is noteworthy that the section of the statute which uses the term "de novo" does not speak of a trial de novo but of a review de novo.

The legislative scheme here, in our view, resembles that which is more eleborately spelled out in those sections of the Interstate Commerce Act which were discussed in the recent case of Seaboard Air Line Co. v. United

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[6] A like problem was solved in a similar manner in De Mond v. Liquor Control Commission, 129 Conn. 642, 30 A 2d 547, 549, where the court said: "Upon these appeals the court hears and considers all pertinent matters for the purpose of reaching an intelligent conclusion as to the legal propriety of the action of the commissioners. In this qualified sense, but in no other, is its hearing one de novo." Another approach to a similar problem was made in American Beauty Homes Corp. v. Louisville, etc., ——— Ky. ———, 379 S.W. 2d 455, where the court held that "the statute was invalid with respect to the trial 'de novo' but still permitted an aggrieved party to appeal. This also was the ruling in California Co. v. State Oil and Gas Board, . . . heretofore cited. We think the 'de novo' provision of KRS 100.057 is clearly severable from the rest of this statute."

[7] In United States v. Philadelphia Nat. Bank, supra, the Court was confronted with a difficulty arising out of the language of § 7 of the Clayton Act. The Court recognized merit in the contention of the appellees that the merger there involved an assets acquisition and hence that § 7 had no application since the Federal Trade Commission had no jurisdiction over banks. The Court said (p. 337): "Since the literal terms of § 7 thus do not dispose of our question, we must determine whether a congressional design to embrace bank mergers is revealed in the history of the statute." The Court's final conclusion was based upon what it found to be a "plain congressional purpose."

States, 382 U.S. 154.[8] In that case the three-judge district court had set aside a commission's order approving a railroad merger on the ground that the commission had not adequately determined whether the merger violated § 7 of the Clayton Act. The Court said: "By thus disposing of the case the District Court did not reach the ultimate question whether the merger would be consistent with public interest despite the foreseeable injury to competition." The Court referred to its decision in Minneapolis & St. Louis R. Co. v. United States, 361 U.S. 173, 187, where the Court described the impact of congressional legislation by saying "Even though such acquisitions might otherwise violate the antitrust laws, Congress has authorized the Commission to approve them, if it finds they are in the public interest. . . . It must be presumed that, in enacting this legislation, Congress took account of the fact that railroads are subject to strict regulation and supervision. 'Against this background, no other inference is possible but that, as a factor in determining the propriety of [railroad acquisitions] the preservation of competition among carriers, although still a value, is significant chiefly as it aids in the attainment of the objectives of the national transportation policy.'" The Court continued "Resolution of the conflicting considerations 'is a complex task which requires extensive facilities, expert judgment and considerable knowledge of the transportation industry. Congress left that task to the Commission "to the end that the wisdom and experience of that Commission may be used not only in connection with this form of transportation, but in its coordination of all other forms." 79 CONG. REC. 12207. "The wisdom and experience of that commission," not of the courts, must determine whether the proposed [acquisition] is "consistent with the public interest." . . .'"

The action of the Supreme Court in those cases dealing with the right of the Interstate Commerce Commission to approve a merger notwithstanding its anticompetitive effects, and particularly the language above quoted from the Seaboard Air Line case, would seem to make negative another argument of the Government. This is that the language of § 18 (c)(5) referring to the "convenience and needs of the community to be served" is but a reiteration of the "failing company doctrine" long recognized as "an integral part of settled antitrust law." No such limiting suggestion was ever made in the Seaboard Air Line and the other cases dealing with the same statute. In our view it would be absurd to find that the new standards so carefully framed for the 1966 Bank Merger Act were no more than the inclusion of a wholly unnecessary reference to the "failing company doctrine". There is not the slightest indication in the language of the Act, or in its legislative history, to support the Government's effort thus to cancel or dissipate the declared purpose of the Act. During the debate on the bill, the question of the situation of the failing bank was mentioned, and in a colloquy between Congressman WELTNER, who opposed the bill, and Congressman MULTER, who supported it, it was made plain that the language referred to was not limited to the failing bank situation.[9]

The careful and precise description of this portion of the bill, made by Senator ROBERTSON to the Senate as the latter body prepared to accept the House version, would clearly negate any suggestion that it was limited to the failing company situation.[10]

A final answer to the Government's "failing company" theory is found in the House Report's indication as to the limited extent of the use of financial resources of the affected banks. That report states (U.S. Code, Cong. and Administrative News, 89th Cong. 2d Session, p. 337): "However, only the convenience and needs of the community to be served can be weighed against anticompetitive effects, with financial and managerial resources being considered only as they throw light on the capacity of the existing and proposed institutions to serve the community."

One problem which we confront in this particular case is how we shall apply the rules which are prescribed in the Act. In the case of future mergers the method of procedure and the application of the statutory requirements is quite simple. First, the banks seeking to merge will make their application for approval to "the responsible agency" in a case of this kind, the Comptroller of the Currency. The agency will then hold the hearings and make the determination contemplated by § 18(c)(5) of the Act which, as we have indicated, calls for two determinations—whether the merger will have a tendency substantially to lessen competition and whether the anti-competitive effects, if found, are clearly outweighed in the public interest by the probable effect of the transaction in meeting the needs and convenience of the community to be served.

The Act then provides that any action brought under the antitrust laws arising out of this merger transaction shall be commenced within a short period following the Comptroller's approval and in this judicial proceeding "the standards applied by the court shall be identical with those that the banking agencies are directed to apply under § 5." Also, in any such action, the court is required to review in the manner we have mentioned, the issues presented. The Act, making reference to this, and other cases initiated after June 16, 1963, with respect to a merger consummated after that date, requires us to apply the same substantive rule of law that we would apply in the case of any future merger.

Here, however, the merger is already accomplished; it was accomplished pursuant to a September 30, 1963, approval by the Comptroller who purported to act under the provisions of the 1960 Bank Merger Act. That Act, as demonstrated by the decision of the Court in Philadelphia Bank, supra, was without force and effect, and the Comptroller's decision of September 30, 1963, cannot, we think, be the equivalent of a determination by him under the 1966 Bank Merger Act or in accordance with § 18(c)(5) thereof. The question is whether we may now require the Comptroller to proceed under the new Act and to make the determination called for by the last mentioned section preliminary to our further consideration of the same and a review thereof.

We think that the decision in United States v. Morgan, 307 U.S. 183, furnishes a precedent.[11] The court upheld the right of the Secretary of Agriculture to make an order going beyond fixing rates for the future, stating that he was "now free to determine a reasonable rate for the period antedating the order he may now make," that is to say, during a period following his former invalid order. The Court noted the duty of the administrative agencies and of the courts judicially reviewing their action to coordinate their actions in order to secure the plainly indicated objects of the statute.

We think that in this case this court cannot as a practical matter apply the sub-

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[8] During the debate in the House Congressman MOORHEAD, one of the members of the committee most actively in charge of the bill, cited and quoted from the Seaboard Air Line case, and also from McLean Trucking Co. v. U.S., 321 U.S. 67, 87, as appropriate precedents for his point: "In the banking industry the public interest is represented and protected by a regulating body. In mergers in such a situation the custom is that the validity of a merger should be determined not exclusively by the competitive factors, but that the regulating body should also consider the public interest." CONGRESSIONAL RECORD, Feb. 8, 1966, p. 2447.

[9] After Congressman MULTER had given an illustration of how this language would apply in a case not involving a failing bank, the following colloquy occurred:

"Mr. WELTNER. This is a case of a failing bank, which has long been recognized by the court. It has nothing to do with this legislation. I am sure the gentleman from Wisconsin will agree with me, that we do not have to pass any bill to permit the approving agency to merge a failing bank in order to save it from insolvency. I am certain that the gentleman from New York, indeed, would say, as a well-educated lawyer, that the failing bank doctrine exists independently of any statutes which have been passed in the last 20 or 30 years. I yield to the gentleman for the purpose of responding to the correctness of that proposition.

"Mr. MULTER. The gentleman is correct as far as he goes, but I have gone beyond the failing bank theory. There are many instances where we are not concerned with the failing bank, where there is an absolute and complete diminution of competition, yet under all the circumstances and all of the factors the courts should approve that merger just as the regulatory agencies may approve the merger." CONGRESSIONAL RECORD, Feb. 8, 1966, p. 2453.

[10] He said: '. . . this bill, should convince the courts that the Congress does not intend that mergers in the banking field should be measured solely by the antitrust considerations which are applied in other industries." (CONGRESSIONAL RECORD, Feb. 9, 1966, p. 2655.) In short, something apart from the older antitrust considerations (including the failing company rule) are imported here. He also said (p. 2656): "The courts will no longer be able to say—in the case of a merger which does not reach to the point of creating a monopoly—that proof that a merger will have demonstrable benefits or will be benign is irrelevant. On the contrary, the question whether there are or are not demonstrable benefits—whether the merger is benign or malignant—will be the heart of the issue." Again he said (p. 2656): "The effect of the merger on the public interest and on the convenience and needs of the community to be served must be measured in specific and realistic terms in the light of the kinds of business involved and the kinds of people being served. The banking agencies and the courts must be guided by the realities of the industrial, commercial, and financial worlds. They must look through theories and percentages and doctrines to the hard facts of life."

[11] In that case the Secretary of Agriculture made an order reducing stockyards rates. After those rates had gone into effect the Supreme Court set aside the order of the Secretary because of procedural defects and the cause was remanded to the district court for further proceedings. The Court stated that it would not attempt to forecast what further proceedings the Secretary might see fit to take. The district court which had entered a temporary restraining order enjoining the enforcement of the Secretary's order had required the excess charges collected by the stockyards over and above the amount prescribed by the Secretary to be deposited with the court pending final determination of the case. The Secretary then reopened the original proceedings and pending these proceedings the district court granted the appellees' motion to distribute the fund mentioned among them. This decision was based upon a ruling that the Secretary did not have authority to make an order prescribing rates and charges effective as of the date of his original order.

stantive rule of law set forth in § 18(c)(5) of the Act unless it has before it for review an order of the Comptroller made pursuant to the requirements of that section. Not only because we are here required to review an administrative order as a part of our consideration of this case, but also because the Comptroller has made himself a party to this proceeding and subject to our orders, we shall now remand the cause to the Comptroller with directions to proceed to make the determinations called for by the Bank Merger Act of 1966. This we think to be appropriate in view of the requirements of the Act notwithstanding the actual merger has been completed.

This remand is predicated upon the assumption that after a new order has been made by the Comptroller, we will be able to review the same. As we have indicated, our power to review any determination as to the anti-competitive effects will allow a greater exercise of our own judgment, than our power to review a determination as to whether the anti-competitive effects, if any, are clearly outweighed in the public interest and as to the effect of the transaction in meeting the needs and convenience of the community to be served. In making his determination the Comptroller should make specific findings as to the competitive situation as to which the merger may have operative effects and particularly whether the marker will have a probable tendency to lessen or do away with potential competition.

In passing upon the question of the probable effect of the transaction in meeting the needs and convenience of the community to be served, the Comptroller should specify particularly what he finds to be the convenience and needs of the community, what he considers will be the effect of the merger thereon, and how and by what means he weighs these effects as against the anti-competitive effects of the transaction. Furthermore, in order to avoid any possible necessity for further remand following our review of the Comptroller's order, he is directed to make a finding as to whether, assuming that the merger has the effect upon potential competition which the Government claims, that effect would be outweighed in the public interest by the probable effect of the transaction in meeting the interest and convenience of the community to be served.[12]

In holding that our function now, under the 1966 Act, is to review an appropriate order of the Comptroller, we are disapproving other alternatives. One alternative would be to hold that we must disregard any suggestion for a review and simply decide the case on the evidence now before us, applying directly the standards set forth in § 18(c)(5). Such, we think would not be consonant with the clear purpose and intent of the Act. Plainly the whole intent was that there should be made available in determining the validity of bank mergers the expertise of persons familiar with banking and with the operating procedures of banks. Not only is this court constitutionally without power to evaluate such features of the "probable effect of the transaction in meeting the convenience and needs of the community to be served," but we lack the informed experience properly to apply such tests.

To deny the banks involved in these three "post-Philadelphia" actions the benefits of these banking-economic tests by specialized agencies would run counter to what the legislative history of the act indicates was the attitude of Congress toward these three mergers. As the bill first came from the Senate it would have provided that this merger "shall be exempt from the antitrust laws." In its final form the bill exempted only the pre-Philadelphia mergers. But the bill would, as Senator Robertson stated, "permit the continuance of proceedings against the three post-Philadelphia cases—in Nashville and San Francisco, and St. Louis—where mergers were consummated after that decision, but in these three cases the courts would be directed to follow the new statutory standards laid down in the statute for all mergers to be considered in the future." Surely Congress was not swinging from a most favorable treatment of this merger to an opposite extreme of denying it the expertise contemplated for all mergers in the future.

Another holding, in the alternative, would be that since this court cannot validly entertain a question as to "the probable effect of the transaction in meeting the convenience and needs of the community to be served," the requirement that we "shall apply the substantive rule of law set forth in § 18(c)(5)" must be held inoperative and disregarded, and therefore this action must proceed as if the Act had not been passed. Such an unnecessary and uncalled for disregard of the obvious purpose and intent of the Act is unthinkable.

We anticipate that the defendant banks will suggest that we should simplify this whole matter by finding now, once and for all, that the claimed adverse effect upon competition has not been established and that the merger will not have the effect either susbtantially to lessen competition, whether actual or potential, or to tend to create a monopoly or operate in restraint of trade. But, as indicated in Seaboard Air Line R. Co., supra, that is not the ultimate question to be determined in this litigation, and we shall not invite a repetition of the error corrected in that case.

It is therefore ordered that further proceedings herein shall be stayed pending the further consideration by the Comptroller, in the manner hereinabove indicated, of the questions required to be passed upon under § 18(c)(5). In reaching his determination the Comptroller will, of course, give the notices and provide the opportunity for hearing contemplated by the Act. We assume the parties will assist in shortening the proceedings by agreeing that the Comptroller may consider the evidence adduced at our last hearing, as well as that at his first hearing, particularly in view of the rule that administrative agencies have never been restricted by the rigid rules of evidence. Trade Comm'n v. Cement Institute, 333 U.S. 705; cf. Davis, Administrative Law, vol. 2, § 14.08.

Upon certification to this court of the proceedings of the Comptroller, this court shall proceed in such manner as may be called for by the Comptroller's decision.

It is so ordered.

This opinion contains the court's findings and conclusions.

WALTER L. POPE,
U.S. Circuit Judge.
W. T. SWEIGERT,
U.S. District Judge.
ALFONSO J. ZIRPOLI,
U.S. District Judge.

[12] Note the usefulness of findings based on assumptions made by the district court in United States v. Philadelphia Nat. Bank, supra, at p. 335 of 374 U.S.

HIGHER EDUCATION AMENDMENTS OF 1966

The Senate resumed the consideration of the bill (H.R. 14644) to amend the Higher Education Facilities Act of 1963, to extend it for 3 years, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I have discussed the unanimous-consent agreement I am about to propose. I have conferred with various Members on both sides of the aisle and with the minority leadership.

I ask unanimous consent that at the conclusion of morning business there be a time limitation of 1 hour on each amendment, the time to be controlled by the senior Senator from Oregon [Mr. MORSE] and the proponent of the amendment, and that 4 hours be allowed on the bill, with the usual regulation as to nongermane amendments, and that the rollcall may perhaps be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the unanimous-consent agreement is entered.

BALTIMORE ORIOLES WIN WORLD SERIES

Mr. TYDINGS. Mr. President, the citizens of Baltimore and Maryland are especially proud and happy that the Baltimore Orioles won the World Series. Would you believe it, Mr. President? They won in four straight games over the previous champions, the Los Angeles Dodgers.

I had the privilege of taking the senior Senator from California [Mr. KUCHEL] to view the third game of the series.

I was proud to watch yesterday's game, and was pleased that the Vice President was also at the game. The people who saw the game will never forget Frank Robinson's home run. They will never forget Dave McNally's shutout pitching. They will never forget the last catch by Paul Blair in center field—the same Paul Blair who had hit the winning home run, the only run scored, in the third game.

I think no one will forget the first game, when the Robinson twins went to bat and hit back-to-back home runs against one of the finest pitchers in the game today.

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

Mr. TYDINGS. I yield.

Mr. McCLELLAN. As I recall, one of the Robinson boys is a native of Arkansas.

Mr. TYDINGS. The Senator is correct.

Mr. McCLELLAN. I thought that fact should be made a matter of record.

Mr. TYDINGS. We shall be delighted to have any more such natives of Arkansas on the Orioles.

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

Mr. TYDINGS. I yield to my colleague.

Mr. BREWSTER. I should like to congratulate my colleague from Maryland for calling attention to the world's series just completed. We of Maryland and Baltimore are very proud of the fact, also, that our players were enabled to shutout the Dodgers for 33 consecutive innings.

I wish also to congratulate the President of the Orioles, and a very close friend of mine, Mr. Jerry Hoffberger, who did such a fine organization job in enabling the club to accomplish what it did. We in Maryland and Baltimore are all happy over it.

DAVE MCNALLY WINS

Mr. MANSFIELD. Mr. President, I think I have a personal interest in this subject.

Montanans everywhere are pleased that one of their own had not only the first word in the world's series, but the last, as well. We are proud of the pitching performance of young Dave McNally, the Billings boy who won the final game of the 1966 world's series for the Baltimore Orioles with a four-hit shutout.

His was a tremendous effort. No Los Angeles Dodger base runner reached second base until the ninth inning. And then they could not score. For them, it was a tough game to lose. Pitching with the mastery and courage of a veteran, Dave retired the side and put his name in the record book.

Mr. President, I commiserate with the distinguished senior Senator from California [Mr. KUCHEL], the minority whip, who had predicted a different outcome for this series. His team played well, and perhaps deserved a better fate, but he cannot say that he was not warned by the Senator from Montana.

Again, I extend to Dave McNally the congratulations of Montana and our best wishes for many more winning performances.

I extend best wishes also to his wife, Jeannie Beth, a longtime friend of mine, his mother, his big sister Dee, his kid brother Danny, and the large delegation of other relatives and friends who came from Billings, Mont., for the occasion.

I pay a special tribute to Ed Bayne, who coached Dave McNally when he was a member of the Billings, Mont., American Legion junior baseball team. He was responsible for much of Dave's development as a ballplayer. He coached him and was his friend, adviser, and counselor. Incidentally, Ed is still coaching outstanding American Legion baseball teams in Montana.

To all of them, winners and losers, a salute; but the biggest salute to Dave McNally.

Mr. President, I ask unanimous consent that an article entitled "McNally Family Roots for Birds," published in the Baltimore Sun of October 10, 1966, be printed at this point in the RECORD.

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

FAMILY ROOTS MCNALLY ON—RELATIVES, FRIENDS FROM MONTANA SEE FINALE

(By Lou Hatter)

"If only we had some starting pitchers we would've wrapped it up earlier," deadpanned Dave McNally after hurling the Orioles' third straight shutout over Los Angeles yesterday to wrap up the 1966 World Series for Baltimore in four straight games.

The 23-year-old left-hander was in the high good humor for a number of reasons following his 1-to-0 four-hit victory.

No. 1—His mother, big sister, kid brother and a large delegation of other relatives and friends from Dave's Billings (Mont.) home had flown to Baltimore for this special occasion.

No. 2—McNally had a score to settle with the Dodgers.

In their first encounter last Wednesday, McNally—troubled by wildness—had been unable to finish the third inning of the series opener and Moe Drabowsky picked up to claim the 5-to-2 triumph.

Yesterday's rematch was something else, however. McNally struck out four, walked just two and the only Dodger advance as far as second base occurred in the ninth inning, where Al Ferraro singled and Maury Wills walked, with one retired.

Luis Aparicio trotted over for a few words to settle him down, but Dave said afterwards, "I don't have any idea what he said."

ANDY ELABORATES

With Lou Johnson at bat after two were out, pitching coach Harry Brecheen came out suggesting low, breaking balls to this dangerous righthanded swinger.

"I got him with three breaking balls," McNally related.

Catcher Andy Etchebarren was a little more effusive. Said Andy: "Davie threw him some great breaking balls."

McNally pitched the Dodgers yesterday with some variations on pre-series scouting reports that labeled the National League pennant-winners vulnerable to a good fast-ball.

"I don't have a fast ball like the other guys on our staff," he explained. "But my ourve ball sets up my fast ball."

In the three earlier games, Drabowsky, Jim Palmer and Wally Bunker throttled the Dodgers with mustard, seasoned only sparingly with other pitches to keep the National Leaguers honest.

FEIGNED DISENCHANTMENT

McNally feigned disenchantment with his performance in one area during the post-game review. Noting that he struck out once, tapped back to his 6-foot-6 mound rival, Don Drysdale, on another occasion, then popped to Wills at short, McNally scowled:

"How can that guy get me out?"

The home-town McNally delegation from Billings which joined Dave and his pretty wife, Jeannie, here yesterday also included Ed Bayne, who was the Oriole southpaw's American Legion baseball coach in Montana.

"I haven't got a button left on my shirt," beamed Bayne proudly.

He also didn't have much left but a stub of that cigar he had been chewing in that feverish Dodger ninth, until Dave retired Johnson on a fly to center.

And what is left now on the McNally October agenda?

"We're just gonna sit quiet here at home for a week, relax and talk about the series," replied Dave.

Mr. TYDINGS. I thank the distinguished majority leader, and I repeat what I said to the Senator from Arkansas: We would be delighted to have for the Baltimore Orioles any other product of the great State of Montana of the caliber of young Dave McNally.

Mr. MANSFIELD. May I say that is reciprocal.

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

Mr. TYDINGS. I am delighted to yield to the distinguished assistant minority leader.

Mr. KUCHEL. The whole Nation congratulates a superb baseball club, the Baltimore Orioles, and I join in the congratulations, though I stand thoroughly for the Los Angeles Dodgers, from the State I have the honor to represent.

Through the generosity and friendship of our friend from Maryland, a number of us sat in the stands last Saturday, and watched a great baseball game.

One to nothing is hardly a disaster; and surely the spirit, that you could almost reach out and touch in that stadium, was something all of us will remember. I regret the Dodgers were in second place in that one-to-nothing score.

A great baseball team has given the championship to a great American city. I can only say that all the teams in California will have an opportunity next year to reaffirm the reputation of our great State, as I know they shall.

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

Mr. KUCHEL. I should be happy to yield to the distinguished Senator from Florida if I had the floor.

Mr. TYDINGS. I am happy to yield to the Senator from Florida.

Mr. SMATHERS. Mr. President, I merely wanted to remark that we in Florida take particular pride in the fact that both of the teams got their momentum from having trained in Florida.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. TYDINGS. I am happy to yield to the Senator from New Jersey.

Mr. WILLIAMS of New Jersey. Mr. President, I wish to advise the Senator from Maryland that I hold in my right hand two tickets to the fifth game of the world's series. [Laughter.] It does not disappoint me at all that I am not there at the fifth game, because I did support the Baltimore team for many reasons, including the fact that a young man, an outfielder, Curt Blefary, does come from New Jersey. He is a fine young man. He comes from excellent parentage, and from, in my subjective judgment, parentage of great intelligence. His father was my campaign manager in one of my campaigns.

Mr. TYDINGS. I thank the distinguished Senator from New Jersey.

I am happy to yield to the distinguished junior Senator from California.

Mr. MURPHY. Mr. President, I am pleased to join my distinguished colleague from California in congratulating the Senator from Maryland on the great performance of the Baltimore team. I had the good fortune to see two of the games in Los Angeles, and I must say that I was amazed by the hospitality that was afforded by Walter O'Malley's Dodgers. Walter is not known for that across the country, even from the time when he operated in Brooklyn.

On the other hand, from watching the game yesterday, I must say that there was a great deal of larceny perpetrated on the field by the defensive fielders. I have never seen so many hits stolen and made into outs, and I must say that the preponderance of the larceny was on the side of the Orioles, not on the side of the Dodgers. So at least in that respect we can say, in my opinion, that the Dodgers came out ahead.

Quite seriously, I think it was one of the finest big league baseball games I have ever witnessed. I thought the pitching was excellent and the fielding was magnificent—up to the highest World Series standards. Unfortunately, that Dodger who was up to bat the last time with two men on could not hit the ball.

I congratulate the Senator from Maryland, and look forward to seeing him at the series next year.

Mr. TYDINGS. I thank the Senator from California.

Mr. President, I call the attention of the Senate to the fact that, upon leaving the ball game on Saturday with the distinguished Senator from California, some of his constituents who were there viewing the game, Dodgers boosters, came over to shake hands with their Senator. They commented that they had never been treated as well by the fans in any National League city as they had by the fans of the Baltimore Orioles. I take particular pride in that.

Mr. President, it was a magnificent series in every way.

There will be much to be remembered in the years to come. There was Dick Brown, originally to be the Orioles starting catcher for the 1966 season. But Dick Brown started the season in a hospital bed after surgery for a brain tumor. Dick Brown was there for the series though, just as he had been there all season to his teammates who had dedicated this as "Dick's season." And it was Dick Brown who was elected by his fellow players to throw out the first ball of the first game of the first World Series ever to be played in Baltimore.

There was Andy Etchebarren, the rookie, who filled in for Brown and, playing like a veteran, became the American League all-star catcher in July's all-star game.

There was Frank Robinson, traded to Baltimore by the Cincinnati Reds who not only hit the home run which won the fourth and last game, but who became the first man in 10 years to win the American League batting, runs-batted-in and homerun crowns.

There were others. Jim Palmer, at 20, not old enough to vote, but old enough to best Sandy Koufax, the best of the best in the second game. There was Wally Bunker, another youngster of great talent and Dave McNally, at 23, the old man of the series starting pitching staff.

They will talk about the spark provided by the fiery little Latin, Luis Aparicio, team field captain and shortstop, and Paul Blair's third game winning homerun, and Russ Snyder's fantastic second game catch.

They may not talk as much about the activities of Dave Johnson and John "Boog" Powell and Curt Blefary, but they will remember the boys were there and provided solid backing for the heroics.

Some of the old timers will remember Harry "The Cat" Brecheen, Gene Woodling, Billy Hunter and Sherm Lollar, all Oriole's coaches who did themselves and the team great credit.

And who can doubt that Hank Bauer should be named manager of the year? He was magnificent.

No matter how good the players are and how much direction they got from the manager and coaches, a ball team must have solid backing from the front office. The Orioles had that and then some. The dynamic, young president of the Orioles, Jerry Hoffberger did a magnificent job. He was ably assisted by Frank Ceshen, executive vice president and Harry Delton, director of player personnel.

Orioles, Baltimore is proud of you, Maryland is proud of you, all America is proud of you, and proud of the way you have maintained the tradition of our great national pastime.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "The Morning After," written by Bob Maisel, sports editor of the Baltimore Sun, and published in the Baltimore Sun of today, October 10, 1966.

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

THE MORNING AFTER

(By Bob Maisel, Sports Editor)

I've heard it said all my life, that winning a World Series, especially that first one, is the greatest thing that can happen in sports to a player, a town, and everybody connected with it.

If a man had any doubts about it, he had them dispelled if he happened to be at the Stadium yesterday afternoon at 3:47 when Paul Blair hauled in Lou Johnson's routine fly for the final out and the realization struck home that the Orioles had indeed defeated the Dodgers in four straight games, shutting them out in the last three, and that the baseball capital of the world had at that moment shifted from Los Angeles to Baltimore.

If you were there, you'll never forget it.

That last inning had been agonizing. Dave McNally, trying desperately to become the third consecutive Oriole pitcher to hurl a shutout, was working on only the 1-run lead supplied by Frank Robinson's home run in the fourth off Don Drysdale. When the Dodgers put runners on first and second with just one out, I looked from the press box down on the people in the lower stands.

DAVIS HIT BALL HARD

I don't think I've ever seen a crowd more tense, more alert, dying with one pitch and screaming at the next. Willie Davis hit a ball hard, but right at Frank Robinson in right, and the Orioles were one out away.

With Johnson, a good clutch hitter at the bat, and the Dodgers a base hit away from a tie Harry Brecheen came out of the dugout to talk to McNally. When he retreated to the bench, McNally threw 2 good low curves. Johnson swung hard at both and missed, and the roar was tremendous each time.

Then, McNally threw another curve, Johnson lifted the routine fly, and it seemed every person in the stadium was on his feet, waiting for the ball to come down. When it did, and Blair grabbed it, the place exploded.

The entire infield descended upon McNally, and there they were, grown men playing ring around the rosy as 54,458 people stood and yelled and clapped and cheered.

BLAIR LEAPED IN AIR

Blair leaped in the air after he caught the ball, and it looked as though he might not come down. That's how excited he was. When, he did get back to earth, he and the other outfielders raced to get into a mass of humanity surrounding McNally.

Usually, when a sports event is over, some people will start for the exits. Not this time. Baltimore fans have been waiting a long time for this, and they savored it. Even after the players had disappeared, people stood and applauded, and there was a constant hum arising, the kind that you only hear at a time like this.

The clubhouse was a madhouse. Every Oriole player was completely surrounded by newsmen and well-wishers. Broadcaster Joe Garagiola stood on a trunk with several Orioles, ready for an interview.

They gave him the sign that he was on the air, he raised the mike and said, "This is Joe Garagiola in the Baltimore clubhouse," and exactly at that point, Curt Blefary—from behind—dropped such a mountain of shaving cream on Joe that his entire head just disappeared.

BAUER COMPLETED JOB

Hank Bauer helped smear it around to complete the job. Somebody handed Garagiola a towel, he wiped the cream from his eyes and went on to conduct what might have been the most hilarious interview in history.

As usual, on occasions like this, Boog Powell was in the middle of everything. Somebody called him tubby, he looked downright indignant and said, "It's Mr. Tubby from now on. You don't talk to a member of the world champions that way."

Brooks Robinson called Boog, and when the big fellow emerged through the door to see what his teammates wanted, somebody pushed a cake down over his ears.

Woody Held and Vic Roznovsky took refuge on the top of Held's locker. They sat up there munching sandwiches and looking down on the bedlam with fixed grins on their faces.

Powell couldn't stand it. He filled a bucket with water, said "one, two, three," and let them have it with a bulleye. Held and Roznovsky didn't even change their expressions, but the sandwiches they continued to eat were slightly soggy.

MANY SHARED IN VICTORY

Witnessing the scene were so many men who had a part in it all. Paul Richards was there briefly, and Lee MacPhail stopped by to offer congratulations. Certainly, both were instrumental in forging this team, Jerry Hoffberger, Zan Krieger, Harry Dalton, Frank Cashen, Jack Dunn, Lou Gorman—they couldn't stop grinning.

One of the happiest men in the crowd was Jim Russo. He helped sign about half the players in that room, and he and Al Kubski scouted the Dodgers and helped write the book on them.

Somebody walked by Russo and said, "Boy, you sure write a lousy book," and Jim said, "Yeah, they never should have got those two runs in the first game. It was all my fault."

Frank Robinson got the sports car as the outstanding player in the series. He deserved it. The pitching was tremendous, but divided so evenly among McNally, Moe Drabowsky, Jim Palmer and Wally Bunker, that they couldn't be separated. And Oriole hitters didn't exactly wear out the ball in this series.

HOMERS STUNNED DODGERS

It was Frank's 2-run homer, followed by another by Brooks in the first inning of the first game, that stunned the Dodgers, and made everybody realize that maybe this Oriole team belonged on the same field with the Dodgers after all. And it was Frank's homer which supplied the only run of the finale, the one that wrapped it all up in such a neat package yesterday.

Frank was obviously a happy, contented man as he answered the endless questions in the clubhouse. He should have been. When you win the Triple Crown, then are voted the outstanding player in a World Series that your team sweeps, there isn't much more a man can do in one season.

The thing that had to be so satisfying to everybody connected with the Orioles was that they were given little chance of beating the Dodgers. One National League manager had said the Birds wouldn't have been able to finish in the first division in that league.

In L.A., the only question was not whether the Dodgers would win, but how many games it would take them.

BIRDS NEVER TRAILED

That's all changed now. Not once in this entire series did the Birds trail, nor did they commit a single error. Both Palmer and Bunker surpassed Waite Hoyt as the youngest men ever to pitch World Series shutouts. The record belongs to Palmer now, because he's 20 and Bunker 21.

And, in blanking the Dodgers over the last 33 innings, the Orioles broke a mark set by the 1905 Giants when they shut out the Athletics for 28 innings. Leon Ames, Christy Mathewson and Joe McGinnity set that mark. Their names will now be replaced in the book by Drabowsky, Palmer, Bunker and McNally.

Only twice before had 1-0 games been won by home runs. Casey Stengel and Tommy Henrich did it. They are now joined by Paul Blair and Frank Robinson.

But, as it was all year, this was no one, or two man job. For a young team, playing in its first World Sereis, this one performed faultlessly. So well, in fact, that it cost the organization a barrel of money. The competing clubs don't start to get their cut of a World Series until after the first four games.

If Oriole officials were concerned about that fact, it didn't show through those smiles yesterday. If they had a mind to, they could probably demand a rather stiff payment from each of the other American League clubs and get it, just for getting the National League off their backs, and taking some of the bite out of all the talk of National League superiority.

By the way, anybody need any tickets for the fifth game of the 1966 World Series?

Mr. TYDINGS. Mr. President, I yield the floor.

Mr. SPARKMAN. Mr. President, I did not seek recognition for the purpose of discussing baseball, but I have enjoyed thoroughly the discussion that has taken place here, and I think both Senators from Maryland have good cause for doing a little bragging today. In fact, I think we all must be proud of what the Baltimore Orioles did. It was a most remarkable display of a baseball team recovering from the position of underdog, which position they held when they entered the series. I think it is the most remarkable comeback that I have ever seen. Those three shutout games were almost unbelievable.

Although the majority leader has left the floor, I should like to state that when I listened to that first game and saw the young pitcher from Billings, Mont., lose control, my thought was not so much of the game as it was of our majority leader, because he had made a very glowing statement on the floor of the Senate just before that. However, he certainly justified the Senator's statement of confidence on yesterday.

I join the Senator from Maryland in his feeling good over this great victory. Since I am not connected with any of the teams—though we have had Alabama boys on the Baltimore team, I do not believe we have any at the present time—perhaps it would be in order for me to mention that the Washington Senators climbed one notch this year, I believe, did they not?

Mr. TYDINGS. That is my understanding.

Mr. SPARKMAN. Had they not been rained out the last three games, they might even have gone to seventh place. So I want to put in a plug a year ahead of time for the Washington Senators. I hope that some day we may have a winning team.

GUNTERSVILLE CAVERNS

Mr. SPARKMAN. Mr. President, a few weeks ago I invited the Members of the Senate to visit spelunkers' favorite Alabama caves and to enjoy their "hidden" beauty. Today I would like again to mention the wonders found in the Guntersville Caverns near Huntsville.

These caves were formed many millions of years ago, and when discovered were filled with ancient artifacts of old Indian civilizations, as well as unique structural forms scattered throughout this subterranean playground.

Aboveground entertainment is also to be found around Guntersville. North Alabama abounds with lakes and streams usually teeming with water enthusiasts sailing in their pet boats or scooting along on their polished water skis.

I truly believe the Guntersville neck of the woods is one of the most alluring and satisfying all-year-round vacation spots in the United States.

I ask unanimous consent to have printed in the RECORD the text of an article entitled "Mystery of the Caverns" from the Huntsville Times of August 15, 1966, written by Beth Russler, which elaborates on the Guntersville Caverns.

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

MYSTERY OF THE CAVERNS

(By Beth Russler)

Guntersville Caverns, about 40 miles from Huntsville on State Highway 79, has mystery and beauty to entice the casual visitor, and a storehouse of science to challenge the scholar.

The history of these caverns goes back millions of years, when they were in the process of being formed by an underground stream. This part of the world was then under the ocean, as the many sea fossils and extinct varieties of ocean life found throughout the passageways will testify. There is evidence, too, that not only salt water, but fresh water as well, have invaded the cave.

Between six and eight thousand years ago, Indians called the cave home, and left in lieu of a diary an interesting collection of artifacts which are now on display in the concession building.

As history moved on and the area was engaged in the Civil War, the cave became a significant factor in Southern defense. Saltpetre, an important ingredient in the manufacture of gun powder, was mined in three different pits. Afterwards, since the miners had done the work of digging out the caverns, outlaws found them a fortuitous choice for hideout.

In recent years, Joe and Gwen Reeves, who own and operate the Caverns, have made them safe and accessible to visitors. Their early development showed such beauties as the "Queen's Throne"; a frozen waterfall 60 feet high and 200 feet in circumference which is still active and forming; the "Bell Tower," cut out by thousands of years of swirling water; arched doorways, and hundreds of other fantastic formations.

While Joe was digging a new passageway he ran into a deep bed of what appeared to be pure sand until his shovel struck something hard and unyielding. The objects he had run into turned out to be the formations that are unique to Guntersville Caverns, and which have been designated by a name as fanciful as their own shape—"Whosababys."

Whosababys are formed in much the same way as stalagmites and stalactites, by the dripping of calcimated water into the sand bed. After the first layer was thus formed, a flood brought in another deep layer of sand after a few million years, and then the dripping water started another layer. These delightful caprices of nature mimic the figures of people and animals and modern abstract sculpture.

This is the only place in the world where Whosababys are known to be found, and since Guntersville Caverns are well lighted, be sure to bring along your camera and have your picture made with one of these whimsical sand creatures—perhaps with Casper the Friendly Ghost.

The road is paved all the way, and the parking lot is also blacktopped. There are free picnicking facilities near the entrance, and camp sites and mountain hiking trails have been developed.

During the summer season the caverns are open from eight a.m. to six p.m. Winter hours are nine to four. Year round, there are special rates for school, church or club groups of fifteen or more persons.

The Caverns are just nine miles out of the town of Guntersville, whose lake with its 693 miles of shoreline provides every type of water sport you might wish to find—and some of the best fishing in the state.

Boating enthusiasts turn out in everything from runabouts and sailboats to cruisers and Chinese junks. During the annual Dixie Cup race, billow-sailed prams, sleek schooners. and high powered hydroplanes add to the color and excitement. It was on this course four years ago that a propeller-driven boat cracked the magic 200 mph barrier for the first time.

This year's Boat Race Festival will be run on August 27 and 28. Featured in the Regatta will be eight classes of championship racing for over $5,000 in prize money.

Throw your fishing gear, water skis, picnic jug, and camera in your car and hit the road—Highway 431 south. It will take you to Guntersville, Home of the Whosababys, and the playground of North Alabama.

VISIT TO THE SENATE BY PARLIAMENTARY DELEGATION FROM CEYLON

Mr. LAUSCHE. Mr. President, visiting the Capitol today are three Members of the Parliament of Ceylon. They are in Washington after having attended the Parliamentary Conference in Ottawa, Canada.

Several of the members of the Committee on Foreign Relations were at lunch with them today. We exchanged views generally.

They are visiting here to see the operation of our Government in the very brief time available to them.

It is my honor to present to the Senate at this time His Excellency Oliver Weerasinghe, Ambassador of Ceylon; Senator James Peter Obeyesekere; Mrs. Sivagamie Verina Obeyesekere, Member of the House of Representatives of the Government of Ceylon; Dr. N. M. Perera, Member of the House of Representatives; and Mr. Samson Sena Wijesinha, Clerk of the House of Representatives of Ceylon.

We welcome you to our country.

[Applause, Senators rising.]

Mr. AIKEN. Mr. President, I join the Senator from Ohio [Mr. LAUSCHE] in extending welcome to our friends from Ceylon who are with us at this time.

I am sorry that we cannot put on a better show for them. However, a few Senators are present, and I can assure our visitors that sooner or later there will be more Senators present.

Several of us have been privileged to be guests of the government of Ceylon. The government officials of Ceylon were very excellent hosts to us. They are in our country now, having come down from Ottawa where they represented Ceylon at the Commonwealth Conference.

We are glad to have them stay with us in the United States for as long as they like.

We hope that they will enjoy every minute of their stay in the United States.

Mr. MANSFIELD. Mr. President, I join the distinguished senior Senator from Vermont, the ranking Republican in the Senate, in extending good wishes and felicitations to our colleagues from Ceylon and their distinguished Ambassador.

I recall with pleasure our visit to that lovely island. We were impressed very much with the ideas which the government officials had for bettering the lot of the people there.

We came away with a feeling of having been not only well received, but also having been given a good deal of sound advice and counsel along the way.

It was one of the most pleasant highlights of the trip which we all remember.

The Senate is delighted that these distinguished colleagues from the Parliament of Ceylon have seen fit to honor us with a visit.

Mr. AIKEN. Mr. President, I feel that I would be remiss if I did not call attention to the fact that the symbol of the majority party in Ceylon is the elephant.

Mr. MANSFIELD. There is a reason for that.

The PRESIDING OFFICER. The Senate is very happy to welcome you here today.

(The distinguished visitors rose in their places and were greeted with applause, Senators rising.)

WHEAT AND BREAD PRICE ADJUSTMENTS ARE DUE

Mr. McGOVERN. Mr. President, about 2 months ago rising bread prices were getting a great deal of publicity and arousing many protests.

Increases of 1 cent to 3 cents and more per pound loaf were occurring around the country, and those who protested were told that an advance in the price of wheat was behind it all.

Because of the protests, the Wheat Subcommittee of the House Agriculture Committee held hearings in August. Under Secretary of Agriculture John Schnittker advised the subcommittee that bread prices had advanced 1 cent per loaf between July 1965 and July 1966 while the cost of farm ingredients had increased half that amount, or one-half cent per pound loaf.

He testified that as wheat prices advanced from $1.44 per bushel to $1.74 per bushel in late June and July this year, there were newspaper accounts of additional 2- and 3-cent increases in bread prices per pound loaf in July and August. The Bureau of Labor Statistics reported later that the national average price of bread went up 1.1 cents per pound loaf in response to the June–July wheat price rise, from 21.7 cents per loaf to 22.8 cents—more than twice the increase in the cost of wheat.

I would like to ask my Senate colleagues to stop on their way home tonight and buy a loaf of bread and determine just how much bread prices have gone down in the last 30 days, while wheat prices were falling.

Wheat prices are down 30 cents a bushel, approximately the same amount as the June–July rise. No. 1 hard ordinary wheat went to $2.01½ at Kansas City on July 13, 1965, and sold at $1.71¾ in Kansas City on October 5. The farm price is considerably lower because of freight to the terminal, but the 30-cent decline reflects back to the farm price. In spite of this decline, I have not heard of bread prices coming down as much as one-tenth of the amount they rose when wheat went up.

As a matter of fact, wheat prices are now at about the same level they were in July 1965 when the national average price of broad was 20.8 cents per pound loaf—exactly 2 cents less than the national average price reported by the Bureau of Labor Statistics in August.

We are right now witnessing a phenomenon in food price performance, Mr. President, that is just as interesting to farmers and food buyers as weightlessness in space.

For some reason, there seems to be no economic gravity, or force, which has any downward pull on bread and food prices. They will go up, but they will not come down. And that appears to be especially true where there is a growing concentration, as there has been in recent years in the baking and food distribution fields.

Thus, space walking is not new.

Bread prices, in relation to wheat prices, have been on an extravehicular jaunt for years, apparently ever since home baking was replaced by commercial baking.

Whenever wheat prices go up, bread goes up and we are told there is a relationship. But when the vehicle moves downward, as wheat prices moved down in the fifties, and are going down now, there does not appear to be even an umbilical connection between the capsule and the astronaut. The capsule goes its way, and the bread prices proceed right on toward outer space.

I am very concerned because wheat prices have weakened.

The downtrend is going to affect the amount of acreage planted to wheat next year. Because our carryover of wheat last June 30 was only 536 million bushels, about 100 million bushels under the accepted proper reserve level, wheat acreage allotments have been increased 32 percent or 16.6 million acres for the 1967 crop.

No increase in price protection accompanied this expansion in acreage. Our basic price support for wheat is the $1.25 per bushel loan. The parity price for wheat is currently $2.59 per bushel. The low loan level is the only floor that farmers can rely on to break any fall in prices that might result from expanded production.

The assumption has been that the favorable $1.70 to $1.75 per bushel market prices would be adequate incentive to get the sort of expanded crop we need next year. Farmers have been encouraged to believe that market prices will surely stay well above the inadequate $1.25 per loan. Regardless, a good many of them had determined not to increase production and risk depressed markets next year before wheat prices broke.

Now wheat prices have fallen and producer discouragement over market price prospects is increased. A good deal of the additional acreage "offered" farmers is going to be left unplanted—no one can say how much of it at this time.

I strongly recommend that an increase in the basic loan level to at least $1.50 per bushel be announced to assure production in the volume that is needed next year.

The announcement would not affect consumer prices for bread and cereals, which have been traveling on their own extra-vehicular course since the fifties, when wheat prices fell to about 80 percent of the 1947–49 average price level and bread prices headed right on up to 160 percent of that 1947–49 average price level. Wheat product prices right now are geared up to the $1.70 to $1.80 per bushel wheat market level which prevailed before the 30-cent drop. They should come down. They should come down even if support loans are increased to $1.50 per bushel.

I am not so naive as to believe that bread prices are going to follow wheat prices down in the same way they leap upward at double to quadruple the rate of the wheat price advances. It would be a historic first if they did.

I sometimes regret that the CONGRESSIONAL RECORD does not carry illustrations. I have here a Department of Agriculture graph on wheat and bread prices since 1947 which shows very effectively how wheat prices declined in 1957–59, but bread prices did not waiver an iota from their upward course.

History is most likely to repeat itself.

You will not find bread a cent or two a loaf cheaper than last week, or last month, when you go home tonight. It will not be any cheaper tomorrow, or the next day unless some heretofore unobserved economic force exerts itself.

This is a moment in farm and food price history when there should be some adjustments in the wheat-bread price relationship just as extensive as the upward adjustment which occurred this summer.

The 30-cent decline in the market price of wheat amounts to $150 million on 500 million bushels of wheat, approximately the amount of our annual domestic food requirement.

That amount should not be allowed to become a windfall for those already making adequate returns between the hard-pressed farmers and the hard-pressed consumers.

Because of need for increased wheat production, we should now adjust Commodity Credit Corporation resale price levels and wheat price supports up to levels that will assure needed production and a fairer return to farmers. And we should exert every pressure possible to get that extra-vehicular space traveler—the price of bread—back into the capsule it left years ago.

I ask unanimous consent, Mr. President, to place in the RECORD a table showing bread prices and the wheat value in a pound loaf of bread by month since June 1965, and another showing the varying changes which have occurred in bread prices in four major cities between August 1965 and August 1966.

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

TABLE 1.—*Average retail price of a 1-pound loaf of white bread and the farm value of wheat, June 1965 to August 1966*

Year and month	Retail price [1]	Farm value of wheat per load [2]
1965:	*Cents*	*Cents*
June	20.9	2.6
July	20.8	2.7
August	20.8	2.7
September	20.8	2.7
October	20.9	2.7
November	20.8	2.7
December	21.1	2.8
1966:		
January	21.4	2.8
February	21.5	2.8
March	21.6	2.8
April	21.8	2.8
May	21.7	2.8
June	21.8	3.1
July	21.8	3.2
August	22.8	3.2
September	----------	----------

[1] BLS Retail Food Prices.
[2] Returns for 0.877 pound of wheat less imputed value of millfeed byproducts, based on average local market prices for all wheat plus 70 cents for the domestic marketing certificate in June 1965 and 75 cents since July 1965

TABLE 2.—*Retail price of a 1-pound loaf of white bread in 4 cities, U.S. average, and change, August 1965 to August 1966*

City	August 1965	August 1966	Change
	Cents	*Cents*	*Cents*
Detroit	18.1	19.0	+0.9
St. Louis	20.1	23.7	+3.6
New York	24.1	25.9	+1.8
Los Angeles	29.6	28.5	−1.1
U.S. average	20.8	22.8	+2.0

Source: BLS Retail Food Prices.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the calendar be called commencing with Calendar No. 1663.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

TRANSFER OF ADMINISTRATIVE CONTROL OF CERTAIN LAND TO THE ATOMIC ENERGY COMMISSION

The bill (H.R. 16813) to transfer to the Atomic Energy Commission, complete administrative control of 78 acres of public domain land located in the Otowi section near Los Alamos County was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1696), explaining the purposes of the bill.

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

PURPOSE

H.R. 16813, and a companion measure, S. 3692, introduced by Senator ANDERSON, provides for the transfer, without reimbursement, to the Atomic Energy Commission of all interest in 78 acres of public domain land located in Santa Fe County, N. Mex., and authorizes the Commission to exercise administrative control over the transferred lands.

NEED

The 78 acres are part of approximately 3,925 acres of land in Santa Fe County which were excluded from the boundaries of Bandelier National Monument, N. Mex., by Presidential Proclamation No. 3539 of May 27, 1963 (28 F.R. 5407). The land was transferred to the administrative control of the Atomic Energy Commission for use in connection with the Los Alamos Scientific Laboratory.

A sewer plant and related facilities have been constructed on the 78 acres. The Atomic Energy Commission plans to donate these facilities to Los Alamos County. However, due to the public domain status of the land it is unclear whether it is subject to conveyance by the Commission. Legislation would remove any doubt as to the Commission's authority to convey the land under the Atomic Energy Act or other appropriate authority.

The land is reported to be without mineral value.

BACKGROUND

With the enactment of the Atomic Energy Community Act of 1955, Congress enunciated a policy of terminating Government ownership and management of the communities owned by the Atomic Energy Commission. To that end, Congress provided in that act for the transfer of the communities of Oak Ridge, Tenn., and Richland, Wash., to the residents thereof and to the local governments established at those locations. In 1962, in furtherance of the policy expressed in the Community Act, Congress amended its provisions and extended them to the community of Los Alamos.

Transfer of the communities of Oak Ridge and Richland has been completed for some time. Presently, the Commission is actively in the process of terminating Government ownership and management of the Los Alamos community. As authorized by the Community Act, residential property owned by the Government is being sold on a priority basis to project-connected personnel and facilities such as the hospital, schools, municipal installations and utilities have been or are being conveyed to eligible local nonprofit and government entities. As part of this program, the Commission plans to transfer to Los Alamos County the sewer system serving the community of Los Alamos, an integral part of which is located on the 78 acres subject of this legislation.

COST

There is no increase in budgetary requirements involved in H.R. 16813.

TRANSFER OF CERTAIN LAND TO ESTATE OF GWILYM L. MORRIS

The bill (H.R. 9520) to authorize the Secretary of the Interior to convey certain lands in Inyo County, Calif., to the personal representative of the estate of Gwilym L. Morris and others was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1697), explaining the purposes of the bill.

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

PURPOSE

H.R. 9520 would authorize the Secretary of the Interior to convey, at fair market value, 320 acres of public land in Inyo County, Calif., to each of four named parties. The lands to be conveyed were included in desert land entries rejected by the Department of the Interior.

NEED

In 1954, Gwilym L. Morris, Dolores G. Morris, George D. Ishmael and Verna H. Ishmael each made a desert land entry for 320 acres of public land in Inyo County, Calif. Under the desert land laws (43 U.S.C. 321–339), an entryman is allowed 4 years from the date of the allowance of his entry to comply with the terms of those laws. In his final proof an entryman must show certain expenditures and reclamation of the land by conducting water thereon and reducing one-eighth of it to cultivation. In addition, he must show the mode of contemplated irrigation by construction of main and lateral ditches necessary for irrigation of all the irrigable land in the entry and that sufficient water is available for this purpose. In the instant case, apparently due to a misunderstanding between the entrymen and the local officials of the Bureau of Land Management, the entrymen had not within the 4-year period, complied with all of requirements for developing adequate sources of water and bringing one-eighth of the entry under cultivation. For this reason the final proofs were rejected and the four entries canceled.

The entrymen have expended about $150,000 in good faith in an attempt to reclaim the land and comply with the requirements of the Department. Some seven wells have been drilled to depths of up to 500 feet, and it is stated that adequate water is now available, if it was not at time of final proof. It is further stated that 500 acres, which is more than sufficient to meet the requirement of reducing one-eighth of the entries to cultivation, have been cleared and planted to grain, that a powerline has been run 8 miles to the land to supply power for irrigation; and that necessary irrigation ditches have been dug.

The beneficiaries of the legislation are required to pay the fair market value of the land on the effective date of the act less any value added by them. They are also required to pay the administrative costs of the conveyance and must make application for the conveyance within 1 year. As the lands are reported prospectively valuable for oil, gas, and sodium all leasable minerals are reserved to the United States. The Government interest will thus be fully protected by receiving value for the lands and reserving the right to remove leasable minerals. The lands are not needed for any Federal program.

This legislation is necessary if the equities of the entrymen are to be protected since the land is not subject to sale under the Public Sale Act (R.S. sec. 2455), as amended (43 U.S.C. 1171). Although the lands are subject to sale under the act of September 19, 1964 (78 Stat. 988), such sale could be made only by competitive bid with no credit given for past expenditures.

COST

There is no increase in budgetary requirements involved in H.R. 9520.

CONVEYANCE OF CERTAIN LANDS IN PLUMAS COUNTY, CALIF., TO C. A. LUNDY

The bill (H.R. 3104) to authorize the Secretary of the Interior to convey certain lands in Plumas County, Calif., to C. A. Lundy was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1698), explaining the purposes of the bill.

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

PURPOSE

H.R. 3104 authorizes the Secretary of the Interior to convey certain lands in Plumas County, Calif., to C. A. Lundy upon payment of their fair market value.

NEED

The land described in H.R. 3104 consists of two lots located within the Plumas National Forest comprising 300 acres more or less. The land was originally located as placer mining claims in 1876. Applications for patent were filed for lot 45 on February 23, 1877, and for lot 46 on June 23, 1877. The records of the Bureau of Land Management show that some 30 years later, in 1907, applications for patent were rejected, but it is not clear that notice of this rejection was received by the then owners of the property.

Mr. Lundy's claim to these lands arises out of his acquisition of the properties of the Plumas Eureka Corp. in 1931. That corporation's interest in lots 45 and 46 was derived from a claim of title which begins with the location of the claims in 1876. Since 1933 Mr. Lundy has paid taxes on these lands and has held and managed them as private property. Timber was cut and removed from the land with the full knowledge of the Forest Service and local records show the lots as patented land. Mr. Lundy, in good faith and in full reliance upon his title, has expended about $16,000 in improvements on these two lots in addition to his original purchase prices and annual taxes. It was not until 1963 that any question was raised concerning the ownership of this land. Thus, for more than 85 years, these lands were considered to be private property.

H.R. 3104, as amended by the committee, does not make a gift of these lands to Mr. Lundy even though he purchased them as a part of a larger parcel and they were long considered to be private property. H.R. 3104 requires that within 1 year after enactment, Mr. Lundy must pay the present fair market value less any increase in value brought to the land by him or his predecessors. In the event such purchase is made by Mr. Lundy all claims of the United States against him, such as that for the removal of timber from the land, will be considered as settled. Should Mr. Lundy not elect to purchase the land, claims of the United States against him will be waived upon his relinquishment of all claims to the land.

It is the opinion of the committee that H.R. 3104 provides a fair and equitable solution to a long standing problem. It will settle the questions of trespass and of ownership of the land by permitting its purchase by Mr. Lundy within 1 year or, failing this, by returning it to the Plumas National Forest for management by the Forest Service.

COST

There is no increase in budgetary requirements involved in H.R. 3104.

REIMBURSEMENT TO STATE OF WYOMING FOR IMPROVEMENTS MADE ON CERTAIN LANDS IN SWEETWATER COUNTY, WYO.

The bill (S. 84) to provide for reimbursement to the State of Wyoming for improvements made on certain lands in Sweetwater County, Wyo., if and when such lands revert to the United States was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 84

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture, having conveyed certain lands situated in Sweetwater County, Wyoming, to the State of Wyoming by reason of and in accordance with the provisions of that deed of June 6, 1962, executed pursuant to the Act of March 20, 1962 (76 Stat. 44), and having included in such deed provision that, if the lands so conveyed to the State of Wyoming should cease to be used in the cooperative agricultural demonstration work of the United States, Department of Agriculture, and the State of Wyoming, title to the lands thus conveyed shall revert to and become revested in the United States of America; the Secretary of the Interior be hereby authorized, at such time as said reversionary provision might become effective, to reimburse the State of Wyoming from whatever funds may be available to him, for those permanent improvements made by said State of Wyoming and remaining on said lands at the time such reversion of title becomes effective in an amount not to exceed the current fair market value of said improvement as determined by appraisal made at that time.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1699), explaining the purposes of the bill.

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

HISTORY

The United States, acting through the Secretary of Agriculture under authority of the act of March 20, 1962 (76 Stat. 44), conveyed to the State of Wyoming by deed of June 6, 1962, 664.12 acres, more or less, situated on the Eden project in Sweetwater County, Wyo., for use as a project pilot or development farm.

The ensuing development and operation of the Farson pilot farm was, in all ways, consistent with the purpose and intent of the settlement and land development program contemplated under section 2 of the Eden Project Reauthorization Act of June 28, 1949, in that it assured the continued use of the land in the cooperative agricultural demonstration program of the U.S. Department of Agriculture and the State of Wyoming which had, at that time, been actively pursued since 1958–59. Both during the initial year's operation, which was conducted under cooperative agreement, and the later years following issuance of the deed conveying land title to the State, improvements, which have resulted in a developed operating farm, have been made at the sole expense of the State.

The program, designated as the "Farson pilot farm," was designed to contribute directly to the benefit of Eden project settlers by affording them technical guidance and assistance in an effort to attain more efficient use of a critically limited water supply which, in turn, would contribute to more efficient operation of their farm units. A corresponding benefit accrued to the United States, in that the farm unit owners could then be expected to be in a better position to meet irrigation district assessments for project operation and maintenance and project construction costs, as contemplated under the Government-district repayment contract.

Since initiation of the Farson farm program, it has become more and more apparent that a critical water situation exists in the Eden project and all possible means are being explored whereby additional water can be developed to supplement the present supply. However, until such a supplemental supply becomes practicable of attainment, further new land development is being held in abeyance. To further this objective, the Department of Agriculture, which originally conducted the land settlement and development program, has progressively transferred to the Bureau of Reclamation all remaining project lands which have not passed into private ownership. Consistent with the furtherance of this action, present plans contemplate that the Farson pilot farm program, as presently being conducted by the State of Wyoming, will be phased out to permit both the retirement of the land in question and the use elsewhere of the project water presently required for operation of the pilot farm. The cooperative agricultural work of the State and the Bureau of Reclamation will thereafter be carried out on the Seedskadee project where developmental data suitable for use on both Seekskadee and Eden projects can be derived under circumstances where water supplied is not a critical limiting factor.

As stated in the bill under consideration, at such time as the State of Wyoming's use of the Farson pilot farm ceases, a reversionary clause in the deed will become operable, and title to the lands will be revested in the United States. Because of the previously mentioned critical water situation, however, it would be practicable to dispose of the farm to private ownership at this time. The Bureau of Reclamation is currently engaged in lining canals and laterals, and plans to make certain other irrigation improvements, all designed to provide for more efficient projectwide use of the total water supply available to the Eden project. While this program is progressing with reasonable dispatch, it cannot be completed in the immediate future. Accordingly, with the title to the land comprising the Farson pilot farm having reverted to the United States, and with no plans to dispose of it to private ownership, it would be virtually impossible for the State of Wyoming to recoup any of its capital investment, which it has made in permanent improvements in the course of its highly cooperative and commendable efforts to contribute to the economic success of the project.

Therefore, it would be equitable for the United States, operating through the Secretary of the Interior, who has primary administrative responsibility for project construction, operation, maintenance, and any future land disposition, to reimburse the State of Wyoming for the current fair market value of its permanent improvements at the time of revestment.

This would be consistent with the objectives and intent under which the cooperative pilot farm effort was initiated, pursuant to agreement between the United States and the State of Wyoming. It was thereunder contemplated that, at such future time as a pilot farm might be closed down, the United States would endeavor to dispose of the lands comprising the farm unit to a prospective project settler who would be interested in

concurrently purchasing the State-owned capital improvements and growing crops remaining or existing on the land at the time of sale. Thus, both the United States and the State of Wyoming would have received appropriate compensation for their respective financial interests in the land and improvements.

It is estimated that the cost of this measure would be approximately $40,000, including the dwellings, related buildings, fencing, land development, and costs of administration.

Whenever a supplemental water supply and/or improvements in distribution and use of the total supply indicate that a favorable resolution of the water supply problem is practicable, the land and improvements can then be disposed of to a project settler. Under the terms and conditions of such possible future disposition, an amount approximately equal to the costs that would be incurred if S. 84 were enacted could be recovered by the United States.

REINSTATEMENT OF A CERTAIN OIL AND GAS LEASE BY THE SECRETARY OF THE INTERIOR

The bill (H.R. 14754) to authorize the Secretary of the Interior to reinstate a certain oil and gas lease was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1700), explaining the purposes of the bill.

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

PURPOSE OF BILL

The purpose of H.R. 14754 is to authorize the Secretary of the Interior to do equity in reinstating a Federal oil and gas lease in New Mexico which has been terminated by operation of law because of a 14-cent deficiency in the rental payment. The deficiency resulted from error on the part of the administrative agency, not a mistake on the part of the lessee.

BACKGROUND

Oil and gas lease New Mexico 0291835, containing 1,201.72 acres, was issued effective July 1, 1962. The lease was canceled effective June 30, 1964, by a decision of the Bureau of Land Management issued February 26, 1965, holding that the lease terminated automatically by operation of law (act of July 29, 1954, par. (7), 68 Stat. 583, 585; 30 U.S.C. 188) since the full amount of the advance rental due for the second year was not paid on or before July 1, 1963. The full amount due was $601. The rental submitted on June 7, 1963, was 14 cents less—that is, $600.86. This shortage of 14 cents was due to miscalculation and a mistake in billing by the Bureau of Land Management. The error was not disclosed when the first-year rental was accepted by the Bureau as full payment for the first year's rental but came to light after the lease had been in force for 1 year and the lessee tendered payment for the second year's rental.

Prior to the 1954 act default in the payment of rental for an oil and gas lease did not automatically terminate the lease and the lease would continue to run until it was canceled or relinquished. This situation gave rise to cases where, although a lessee had lost interest in maintaining his lease, rentals continued to accrue against him for the duration of the lease. To prevent such cases from occurring in the future, the provision of the act of July 29, 1954, referred to above was enacted providing that "upon failure of a lessee to pay rental on or before the anniversary date of the lease, for any lease on which there is no well capable of producing oil and gas in paying quantities, the lease shall automatically terminate by operation of law." The Department of the Interior has held that a lease automatically terminates if the rental is not paid in full before the due date even though a payment is made on that date and the rental deficiency is slight and even though the amount actually paid is that billed by the Government.

In an effort to relieve the harshness of this rule and to provide relief where warranted Congress passed the act of October 15, 1962 (76 Stat. 943). This act, however, applied only to cases which arose before the date of its enactment. It is not therefore applicable in the instant situation and legislative relief is necessary if New Mexico 0291835 is to be reinstated.

The lands affected by the proposal have not been leased to any other party, and thus there are no third-party rights involved.

COST

There is no increase in budgetary requirements involved in H.R. 14754.

SALE OF FLORIDA PHOSPHATE INTERESTS

The bill (S. 2358) to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in certain lands located in the State of Florida to the record owners of such lands was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey, sell, and quitclaim all phosphate interests now owned by the United States in and to the hereinafter described lands to the present record owner or owners of the surface rights of such lands:

Beginning at the northwest corner of the northwest quarter of the northeast quarter of section 7, township 38 south, range 24 east, for point of beginning.

thence south along west line of said northwest quarter of northeast quarter for a distance of 531.22 feet to centerline of drainage canal;

thence northeasterly along said centerline to the north line of said northwest quarter of northeast quarter;

thence west along said north line for a distance of 485.65 feet to point of beginning, containing 2.96 acres, more or less.

SEC. 2. In the event that the Secretary of the Interior determines that the lands described in the first section are not prospectively valuable for phosphate, he shall convey the reserved phosphate interests to the present record owner or owners of the surface rights upon the payment of a sum of $200 to reimburse the United States for the administrative costs of the conveyance; otherwise, the phosphate interests shall be sold to the record owner or owners of the surface rights upon the payment of a sum equal to $200 plus the fair market value of the phosphate interests as determined by the Secretary after taking into consideration such appraisals as he deems necessary.

SEC. 3. Proceeds from the sale made hereunder shall be covered into the Treasury of the United States as miscellaneous receipts.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1701), explaining the purposes of the bill.

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

PURPOSE OF BILL

Purpose of S. 2358, which is sponsored by Senator HOLLAND of Florida, is to enable the owner of the surface of a tract of slightly less than 3 acres in De Soto County, Fla., to remove a cloud on his title. The cloud arises from the fact that the United States has reserved and owns the phosphate rights in the land.

S. 2358 would accomplish its purpose by authorizing and directing the Secretary of the Interior to sell the reserved phosphate interests of the United States to the present record owner of the surface at fair market value plus the administrative costs of the conveyance, set at $200. In the event the Secretary finds the lands are not prospectively valuable for phosphate, he shall convey the reserved interest of the Federal Government upon payment of the administrative costs.

The departmental report states the 3-acre tract that is the subject of the proposed legislation is some 15 miles from the nearest known phosphate deposit and is believed to have little, if any, value for phosphate. The surface owner, however, needs to clear title in order to obtain financing for intensive development of the tract.

GENERAL LEGISLATION

S. 2358 follows the pattern of legislation adopted by the Congress in similar situations. In addition to these situations, the Federal Government has reserved mineral interests in millions of acres of land in various other categories. On a number of occasions, the Department of the Interior has suggested "that general legislation should be enacted which will obviate consideration by the Congress of a number of private bills."

However, there has been established, by the act of September 19, 1964 (78 Stat. 982; Public Law 88-606), the Public Land Law Review Commission which, among other things, is charged specifically with examining into the need for legislation in connection with "outstanding interests of the United States in lands patented, conveyed in fee or otherwise, under the public land laws." Accordingly, it appears to be inappropriate to consider general legislation at this time, in the absence of an urgency therefor, pending the submission of the Commission report.

The committee recognizes, nevertheless, that necessary action on specific cases requiring attention cannot and should not be withheld until the Commission has submitted its report, scheduled under the aforementioned act to be submitted to Congress by December 31, 1968. The lands described in S. 2358 are ready for development now. The surface owner should not be required to await the outcome of lengthy consideration of general legislation—either by the Public Land Law Review Commission or this committee—involving a variety of reserved interests in a variety of situations.

The committee has therefore concluded that it is necessary and proper to permit the owner of the lands described in S. 2358 to obtain a conveyance of the mineral interest now, while, at the same time, fully protecting the interest of the United States as outlined above.

COST

No increase in budgetary requirements is involved in S. 2358.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

The next bill, Calendar No. 1699 (H.R. 17637) will be made the pending busi-

ness following the conclusion of the present pending business.

PRESIDENT'S PROPOSALS FOR STRENGTHENING PEACE ON EUROPEAN CONTINENT

Mr. MANSFIELD. Mr. President, on October 7, President Johnson was in New York City where he delivered an address on European affairs to the National Conference of Editorial Writers. The President's statement was thoughtful in analysis and highly constructive in its suggested initiatives for strengthening peace on the European Continent. His remarks were especially noteworthy in their reference to the changes which have taken place in Europe and to adjustments in U.S. policy in order to attune to those changes both in Western and Eastern Europe.

I note his comment on the possibilities for adjustments or reductions in U.S. troop deployments in Western Europe. At the same time, the President stressed the necessity for a continuation of the interwoven defense of Western Europe and the United States. This vital bond is one which is recognized in every NATO nation. It will remain for the foreseeable future a key to our security as well as that of Europe.

With respect to Eastern Europe, President Johnson announced not only an extensive easing of outdated trade restrictions but, also, his intention of giving positive encouragement to United States-Eastern European commerce by means of credit arrangements and treaty and in other ways. It is regretted, of course, that the conflict in Vietnam casts a great shadow over the prospects for better East-West relations. Nevertheless, in my judgment, it is wise for the President to make the effort to improve these commercial and other contacts. In so doing, he is building not only for the Nation's economic benefit but, also, for peace. In so doing, he ought to have every support which can reasonably be extended to him by the Congress.

I ask unanimous consent, Mr. President, that the text of the address by Lyndon B. Johnson, previously cited, be ordered to be printed at this point in the RECORD:

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

[From the New York (N.Y.) Times, Oct. 8, 1966]

TRANSCRIPT OF PRESIDENT'S SPEECH ON IMPROVING RELATIONS WITH EASTERN EUROPE

(Following is the transcript of President Johnson's address to the National Conference of Editorial Writers at the Carnegie Endowment Building, United Nations Plaza at 46th Street, yesterday, as recorded by The New York Times through the facilities of A.B.C. News:)

I'm a little baffled by this room. It makes a speaker have to talk out of both sides of his mouth.

Since the Secretary took you on a quick trip around the world I hope you will pardon me if I just ask you to go across the Atlantic with me.

I remember some time years ago President Franklin D. Roosevelt addressed the Daughters of the American Revolution. His opening words were not his usual "My Friends," but instead he said "My Fellow Immigrants." And he was right, because most of our fathers came from Europe, East or West, North or South.

They settled in London in Kentucky, Paris in Idaho, Rome in New York. Chicago with Warsaw is one of the great Polish cities in the world. And New York is the second capital of half of the nations of Europe.

And so that really is the story of our country. Americans and all Europeans share a connection which transcends political differences. We are a single civilization. We share a common destiny. Our future is a common challenge.

So today two anniversaries especially remind us of the interdependence of Europe and America. On Sept. 30, seventeen years ago, the Berlin airlift ended. On Oct. 7, just three years ago, the nuclear test-ban treaty was ratified. There is a healthy balance here. It is no accident. It reflects the balance the Atlantic allies have always tried to maintain between strength and conciliation, between firmness and flexibility, between resolution and hope.

BERLIN AIRLIFT IS RECALLED

The Berlin airlift was an act of measured firmness. Without that firmness the Marshall Plan and the recovery of Western Europe of course would have been impossible, that hopeful and progressive achievement, the European Economic Community, would never have been born. The winds of change which are blowing in Eastern Europe would not have been felt here today.

And all of these come about as the fruits of determination. The test-ban treaty is the fruit of our hope. With more than 100 other cosigners we committed ourselves to advance from deterrence through terror toward a more cooperative international order.

We must go forward to banish all nuclear weapons and to banish war itself.

So a just peace remains our most important goal. When we know that the world is changing our policy must reflect the reality of today and not yesterday. In every part of the world new forces are standing at the gates—new countries, new aspirations, new men—and in this spirit let us look ahead to the tasks that confront us today in the Atlantic nations as I will look ahead a little later to the tasks that confront us in another part of the world as I travel 25,000 miles in the Pacific area.

Europe has been at peace since 1945 but it is a restless peace that's shattered by the threat of violence. Europe is partitioned. An unnatural line runs through the heart of a very great and very proud nation. History warns us that until this harsh division has been resolved, peace in Europe will never be secure.

We must turn to one of the great unfinished tasks of our generation and that unfinished task is making Europe whole again.

Our purpose is not to overturn other governments but to help the people of Europe to achieve together a continent in which the peoples of Eastern and Western Europe work shoulder-to-shoulder together for the common good—a continent in which alliances do not confront each other in bitter hostility but instead provide a framework in which West and East can act together in order to secure the security of us all.

CALLS FOR GERMAN REUNIFICATION

In a restored Europe, Germany can and will be united. This remains a vital purpose of American policy and we reiterated it and reaffirmed it to Chancellor Erhard just a few days ago. It can only be accomplished through a growing reconciliation because there is no shortcut.

So we must move ahead on three fronts. First, to modernize NATO and strengthen other Atlantic alliances; second, to further the integration of the Western European community; third, to quicken progress in East-West relations.

Now may I speak to each of these in turn:

Our first concern is to keep NATO strong and to keep it modern and to keep it abreast of the times in which we live. The Atlantic alliance has already proved its vitality. Together we have faced the threats to peace which have confronted us and we shall meet those which may confront us in the future. Let no one doubt ever for a moment the American commitment. We shall never unlearn the lessons of the Thirties, when isolation and withdrawal were our share in the common disaster. We are committed and we are committed to remain firm.

CITES MODERNIZATION OF NATO

But the Atlantic alliance is a living organism. It must adapt itself to the changing conditions. Much is already being done to modernize its structure. We are streamlining NATO command arrangements; we are moving to establish a permanent nuclear planning committee; we are increasing the speed and the certainty of supply across the Atlantic.

However, there is much more that we can do. There is much more that we must do. The alliance must become a forum—a forum for increasingly close consultations. These should cover the full range of joint concerns from East-West relations to crisis management. The Atlantic Alliance is the central instrument of the entire Atlantic community, but it is not the only one.

Through other institutions the Nations of the Atlantic are now hard at work on constructive enterprise. In the Kennedy round we are negotiating with the other free world nations to reduce tariffs everywhere. Our goal is to free the trade of the world—to free it from arbitrary and artificial restraints.

We are engaged on the problem of international monetary reform. We are exploring how best to develop science and technology as a common resource. Recently, the Italian Government has suggested an approach to narrowing the gap in technology between the United States and Western Europe and that proposal, we think, deserves very careful study and consideration.

The United States stands ready to cooperate with all of the European nations on all aspects of this problem.

AID TO DEVELOPING NATIONS

Last and, perhaps, really most important, we are working together to accelerate the growth of the developing nations. It is our common business to help the millions in these developing nations improve their standards of life, to increase their life expectancy, to increase their per capita income, to improve their health and their mind and their body, to in turn help them really fight and ultimately conquer the ancient enemies of mandkind—hunger, and illiteracy, and ignorance, and disease.

The rich nations can never live as an island of plenty in a sea of poverty.

Thus, while the institutions of the Atlantic community are growing, so are the tasks that confront us multiplying.

Now second—second among our tasks—is the vigorous pursuit of further unity in the West. To pursue that unity is neither to postpone nor to neglect for a moment our continuous search for peace in the world.

There are good reasons for this. A united Western Europe can be our equal partner in helping to build a peaceful and just world order. A united Western Europe can move more confidently in peaceful initiatives toward the East. Unity can provide a framework within which a unified Germany can be a full partner without arousing fears.

We look forward to the expansion and to the further strengthening of the European community. Of course, we realize that the obstacles are great. But perseverance has already reaped larger rewards than many of us dared hope for only a few years ago.

The outlines of the new Europe are clearly discernible. It is a stronger, it is an increasingly united but open Europe, with Great Britain a part of it and with close ties to America.

Now, finally, third, one great goal of a united West is to heal the wound in Europe which now cuts East from West and brother from brother. That division must be healed peacefully; it must be healed with the consent of Eastern European countries and consent of the Soviet Union.

This will happen only as East and West succeed—succeed in building a surer foundation of mutual trust. Nothing is more important than peace.

We must improve the East-West environment in order to achive the unification of Germany in the context of a larger, peaceful and prosperous Europe. Our task is to achieve a reconciliation with the East, a shift from the narrow concept of coexistence to the broader vision of peaceful engagement. And I pledge you today that Americans now stand ready to do their part.

NOTES CONTINUITY OF U.S. POLICIES

Under the last four Presidents our policy toward the Soviet Union has been the same. Where necessary we shall defend freedom. Where possible we shall work with the East to build a lasting peace. We do not intend to let our differences on Vietnam or elsewhere ever prevent us from exploring all opportunities.

We want the Soviet Union and the nations of Eastern Europe to know that we and our allies shall go step-by-step with them just as far as they are willing to advance.

So let us, both Americans and Europeans, intensify, accelerate, strengthen our determined efforts. We seek healthy economic and cultural relations with the Communist states.

I am asking for early Congressional action on the United States-Soviet consular agreement.

We have just signed a new United States-Soviet cultural agreement.

We intend to press for legislative authority to negotiate trade agreements which could extend most-favored-nation tariff treatment to European Communist states.

We have just concluded an air agreement with the Soviet Union.

And today I am announcing the following new steps:

We will reduce export controls on East-West trade with respect to hundreds of non-strategic items.

I have just today signed a determination that will allow the Export-Import Bank to guarantee commercial credits to four additional Eastern European countries—Poland and Hungary, Bulgaria and Czechoslovakia. This is good business and it will help us—it will help us to build the bridges to Eastern Europe that I spoke of in my address at V.M.I. only a few months ago.

The Secretary of State is now reviewing the possibility of easing the burden of Polish debts to the United States through expenditures of our Polish currently holdings, which would be, we think, mutually beneficial to both countries.

The Export-Import Bank is prepared to finance exports for the Soviet-Italian Fiat auto plant.

We are negotiating a Civil Air Agreement with the Soviet Union, which I referred to. This will, we think, greatly facilitate tourism in both directions.

TRAVEL LIBERALIZATION MOVES

This summer the American Government took additional steps to liberalize travel to Communist countries in Europe and in Asia and we intend to liberalize these rules still further in an attempt to promote better understanding and increased exchanges.

In these past weeks, the Soviet Union and the United States have begun to exchange cloud photographs that are taken from the weather satellites.

So you can see in these and many other ways the ties with the East will be strengthened by the United States and by other Atlantic nations.

Agreement on a broad policy to this end therefore should be sought in existing Atlantic organs.

The principles which should govern East-West relations are now being discussed in the North Atlantic Council. The O.E.C.D. can also play an important part in trade and in contacts with the East. The Western nations can there explore the ways of inviting the Soviet Union and the Eastern European countries to cooperate in tasks of common interest and common benefit.

Hand in hand with these steps to increase East-West ties must go measures to remove territorial and border disputes as a source of friction in Europe. The Atlantic nations oppose the use of force to change existing frontiers and that is the bedrock, too, of our American foreign policy. We respect the integrity of a nation's boundary lines.

The maintenance of old enmities is not really in anyone's interest. Our aim is a true European reconciliation and we so much want to make this clear to the East.

Further, it is our policy to avoid the spread of national nuclear programs, in Europe and elsewhere in the world. And that is why we shall persevere in efforts to try to reach an agreement banning the proliferation of nuclear weapons.

We seek a stable military situation in Europe, one in which we hope that tensions can be lowered. And to this end the United States will continue to play its part in effective Western deterrence. To weaken that deterrence might now create temptation and could endanger peace.

The Atlantic allies will of course continue together to study what strength NATO needs in light of the changing technology and the current threat. Reduction of Soviet forces in Central Europe would of course affect the extent of that threat. If changing circumstances should lead to a gradual and a balanced revision in force levels on both sides, the revision could together with the other steps that I have mentioned, help gradually to shape an entire new political environment.

CALLS PEACE "LONG PROCESS"

The building of true peace and reconciliation in Europe of course will be a very long process. The bonds between the United States and its Atlantic partners provide the strength though, on which the entire security of this world depends. Our interdependence, therefore, is complete. Our goal in Europe and elsewhere is first of all, always, a just and a secure peace. It can most surely be achieved by common action.

And to this end I pledge my country's best efforts—best efforts to achieve new thrust for the alliance, to support movement toward Western European unity, to bring about a far-reaching improvement in relations between the East and the West. Our object is to end the bitter legacy of World War II and let all of those who wish us well, and all others also, know that our guard will be up but our hand will always be out.

The American people love peace and they hate war. We do not believe that might makes right. So, in pursuit of peace history is aware of our commitments to the Marshall Plan and the Truman Doctrine and to NATO and to SEATO. We have been tested in Berlin and in Korea and in the Dominican Republic and our brave men are being tested at this hour in Vietnam. And in every instance our purpose has been peace, never war, self determination instead of selfish aggression.

We believe that moral agreements are much to be preferred to military means, the conference table instead of the battlefield. But Americans will never close their eyes to reality. We back our word with dedication and we also back it with a united resolve of a patient, of a determined, of a freedom-loving and a peaceful people. Together we shall never fail.

Mr. SYMINGTON. Mr. President, I commend the statement made by the able majority leader with respect to the announcement that there will be an easement of export controls, on shipments to the Soviet bloc, of some textiles, machinery, metals, and chemicals.

The President announced this move as a major step in the program of reconciliation between the Communist East and the non-Communist West. It is also my understanding, according to an article in the Wall Street Journal this morning, that other bridge-building actions include authorization for the Export-Import Bank to guarantee commercial loans to Poland, Hungary, Bulgaria, and Czechoslovakia; plus a go-ahead for the Bank to finance exports of American equipment for us by Fiat, the Italian motor company, in establishing a plant in Russia.

As the Senate knows, for some time it has been my conviction we should adopt a policy of more trade and less aid in our relationship with the rest of the world, especially the developed countries; and inasmuch as I understand the premise of this change in policy is that the loans will be hard loans, again let me say I support the position taken by the able senior Senator of Montana.

END OF WHOLESALE PRICE RISE SIGNALS BAD TIME TO SUSPEND INVESTMENT CREDIT

Mr. PROXMIRE. Mr. President, this week this body will be called upon to act on the administration's recommendation to suspend the investment credit and accelerated depreciation.

Seventy-eight Senators voted against suspending the investment credit last March. Only 10 favored it.

Now, Mr. President, why should Senators reverse that decision of last March?

The sole justification given for suspending the credit is to stop inflation. That is it. That is the argument.

Last March that argument made some sense; there was no end to the economic boom in sight. Pressures for inflation were building. Economists overwhelmingly agreed that prices were likely to rise and even threaten to get out of control.

But today when Senators are asked to reverse their opposition to suspension of this tax incentive, the justification for the vote is evaporating. Just this morning the papers reported that wholesale prices leveled off in September after climbing since last March and they declined in early October.

In view of the fact that this suspension will not—cannot—have its prime

effect for a year, that so many economists now anticipate a recession by late next year, that the suspension now would deepen such a recession and possibly provoke it, and now that wholesale prices have leveled off and turned down, the Senate should reject the proposal to suspend the credit. I ask unanimous consent that an article in the Wall Street Journal, headlined "Wholesale Prices Held Steady in September, Fell in Early October" be printed at this point in the RECORD.

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

WHOLESALE PRICES HELD STEADY IN SEPTEMBER, FELL IN EARLY OCTOBER—MONTHLY INDEX HAD BEEN RISING SINCE MARCH—INDUSTRIAL ITEMS POST FIRST DECLINE IN 2 YEARS

WASHINGTON.—Wholesale prices leveled off in September after climbing since March, the Labor Department reported, and they declined in early October.

At 106.8% of the 1957–59 average, the September index was unchanged from August, although it was substantially above the 103% of a year before.

In the week ended last Tuesday, the index fell to 106.1%, down 0.2 percentage point from the previous week.

While the at least temporary end to the upward surge that had been particularly sharp in July was generally welcome to Government economists, the "mushiness" lately has been prompting some of them to wonder if business is becoming less buoyant than they've expected. Usually, wholesale prices rise when business demand is strong.

INDUSTRIAL COMMODITIES STEADY

Prices of industrial commodities have been holding steady lately, the report showed, averaging 105.1% for the week ended last Tuesday as well as for the previous week and for the entire month of September. In October last year they average 102.8%.

A 0.1 percentage point drop in the September industrial commodity index from August's 105.2 percent was the first such decrease in more than 2 years, the department noted. "Widely scattered declines" were responsible, it said. "An improvement in the supply situation for copper" brought lower prices for nonferrous mill products and lumber and plywood prices were down for the fourth consecutive month as housing starts continued to decline, the department said. Rebates to dealers, it noted, widened on the 1966-model autos with the approach of the introduction of the 1967 models; competition forces price cuts for truck and bus tires. Hides and skins quotations fell because of increased slaughter, export restrictions and larger offerings overseas.

SOME COMMODITIES ADVANCE

Partially offsetting these declines were advances for such industrial commodities as railroad rails, machinery, furniture and refined petroleum products.

The recent declines have centered in farm products, which in the latest week were down to 104.2 percent from 105.6 percent a week before and from the 108.7 percent average for September. The index for processed foods fell to 112.3 percent in the latest week from 112.9 percent the week before and from the 114 percent average for September.

In the latest week, many livestock, grain, fruit and vegetable prices dropped, more than offsetting increases for some steers, tobacco, and some fruits and vegetables. Among industrial goods, prices declined on iron and steel scrap, rubber and burlap, among others, and increase on pig tin, nonferrous scrap, and cattle hides.

Week-to-week comparisons (1957–59 equals 100).

	Week of Oct. 4	Week of Sept. 27
All commodities	106.1	106.3
Farm products	104.2	[1] 105.6
Processed foods	112.3	[1] 112.9
Meats	108.7	[1] 109.8
All commodities other than farm products and foods	105.1	105.1

[1] Revised.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15183) to adjust the status of Cuban refugees to that of lawful permanent residents of the United States; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CELLER, Mr. FEIGHAN, Mr. GILBERT, Mr. MCCULLOCH, and Mr. MOORE were appointed managers on the part of the House at the conference.

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

H.R. 6413. An act to provide for the withdrawal of wine from bonded wine cellars without payment of tax, when rendered unfit for beverage use;

H.R. 11257. An act relating to the income tax treatment of certain distributions pursuant to the Bank Holding Company Act of 1956, as amended;

H.R. 11660. An act relating to interest on income tax refunds made within 45 days after the filing of the tax return, and for other purposes;

H.R. 11782. An act to amend the Internal Revenue Code of 1954 to allow a deduction for additions to a reserve for certain guaranteed debt obligations, and for other purposes;

H.R. 13320. An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile;

H.R. 13370. An act to authorize the disposal of fused crude aluminum oxide from the national stockpile and the supplemental stockpile;

H.R. 13661. An act to authorize the disposal of battery-grade synthetic manganese dioxide from the national stockpile;

H.R. 14604. An act to authorize a study of facilities and services to be furnished visitors and students coming to the Nation's Capital;

H.R. 16000. An act to amend titles 10, 32, and 37, United States Code, to remove restrictions on the careers of female officers in the Army, Navy, Air Force, and Marine Corps, and for other purposes;

H.R. 16774. An act to continue for a temporary period certain existing rules relating to the deductibility of accrued vacation pay;

H.R. 17376. An act to authorize the disposal of nickel from the national stockpile; and

H.R. 18019. An act to authorize the Secretary of the Army to construct an addition at the Walter Reed Army Medical Center, Washington, D.C.

ENROLLED BILLS SIGNED

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

S. 801. An act to improve the balance-of-payments position of the United States by permitting the use of reserved foreign currencies in lieu of dollars for current expenditures;

S. 3500. An act to authorize the President to advance Maj. Gen. Robert Wesley Colglazier, Jr., to the grade of lieutenant general; and

S. 3834. An act to amend chapter 141 of title 10, United States Code, to provide for price adjustments in contracts for the procurement of milk by the Department of Defense.

HOUSE BILLS REFERRED

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

H.R. 6413. An act to provide for the withdrawal of wine from bonded wine cellars without payment of tax, when rendered unfit for beverage use;

H.R. 11257. An act relating to the income tax treatment of certain distributions pursuant to the Bank Holding Company Act of 1956, as amended;

H.R. 11660. An act relating to interest on income tax refunds made within 45 days after the filing of the tax return, and for other purposes;

H.R. 11782. An act to amend the Internal Revenue Code of 1954 to allow a deduction for additions to a reserve for certain guaranteed debt obligations, and for other purposes; and

H.R. 16774. An act to continue for a temporary period certain existing rules relating to the deductibility of accrued vacation pay; to the Committee on Finance.

H.R. 13320. An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile;

H.R. 13370. An act to authorize the disposal of fused crude aluminum oxide from the national stockpile and the supplemental stockpile;

H.R. 13661. An act to authorize the disposal of battery-grade synthetic manganese dioxide from the national stockpile;

H.R. 16000. An act to amend titles 10, 32, and 37, United States Code, to remove restrictions on the careers of female officers in the Army, Navy, Air Force, and Marine Corps, and for other purposes;

H.R. 17376. An act to authorize the disposal of nickel from the national stockpile; and

H.R. 18019. An act to authorize the Secretary of the Army to construct an addition at the Walter Reed Army Medical Center, Washington, D.C.; to the Committee on Armed Services.

H.R. 14604. An act to authorize a study of facilities and services to be furnished visitors and students coming to the Nation's Capital; to the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Is there further morning business?

There being no further business, the Chair lays before the Senate the unfinished business, pursuant to the previous unanimous-consent agreement.

HIGHER EDUCATION AMENDMENTS OF 1966

The Senate resumed the consideration of the bill (H.R. 14644) to amend the Higher Education Facilities Act of 1963,

to extend it for 3 years, and for other purposes.

Mr. MANSFIELD. Mr. President, will the Senator from Oregon yield to me briefly, after he gets the floor, without losing his right to the floor?

Mr. MORSE. I yield to the distinguished Senator from Montana.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, the time to be charged to the bill.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. MORSE. Mr. President, the manager of the bill is ready for third reading, but he understands that the Senator from Maryland [Mr. BREWSTER] has one or two amendments he wishes to discuss.

The PRESIDING OFFICER. The Senator from Maryland [Mr. BREWSTER] is recognized.

AMENDMENT NO. 956

Mr. BREWSTER. Mr. President, I have an amendment at the desk and I ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

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

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

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

At the end of the bill insert a new section as follows:

"Training programs in the conduct of criminal cases involving indigent persons

"SEC. 9. Title VI of the Higher Education Act of 1965 is amended by inserting at the end thereof a new part as follows.

"'PART C—TRAINING PROGRAMS IN THE CONDUCT OF CRIMINAL CASES INVOLVING INDIGENT PERSONS

"'*Authorization*

"'SEC. 631. (a) There are authorized to be appropriated $800,000 for the fiscal year ending June 30, 1967, and for the succeeding fiscal year, to enable the Commissioner to arrange, through grants or contracts with public or private nonprofit law schools, for the development and operation of organized programs of instruction to train students in the conduct of criminal cases involving indigent persons. Emphasis shall be given to both the prosecution and the defense of such cases. Such programs shall include instruction in the methods and problems involved, training in the practical aspects of the conduct of a trial, and actual experience by students to the extent possible under proper supervision.

"'(b) For the fiscal year ending June 30, 1969, and for the succeeding fiscal year, there may be appropriated for the purpose of this part, only such sums as the Congress may hereafter authorize by law'."

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

Mr. BREWSTER. Mr. President, I yield myself as much time as I may use.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BREWSTER. Mr. President, I rise to offer an amendment which would help to fill a growing gap in our system of criminal justice. If our adversary system is to function properly, there must be well-trained and competent attorneys serving both the prosecution and the defense. All too often, this is not the case.

Federal, State, and local governments have established a number of programs to provide free legal assistance for indigents. Some of these programs rely on full-time, salaried attorneys. Many others rely on part-time private practitioners. In both situations, we encounter a persistent problem: the attorneys simply are not well trained in trial procedures. Frequently the same is true of the prosecuting attorneys on the other side.

It is rather fruitless to hire full-time public defenders, or pay private attorneys $25 per hour, if they are not well versed in the practical aspects of handling these cases. We must find ways of training our lawyers more effectively, somewhat along the line of the intern-type procedure in hospitals. This is a matter in which our law schools—with a boost from the Federal Government—can take the initiative.

I am proposing that the Office of Education be authorized to give $800,000 in assistance to law schools. The money would be used to develop courses and training programs in the conduct of criminal cases involving indigent persons. Emphasis would be placed on the actual conduct of a trial. Wherever possible, students would work in existing public defender programs and gain experience in the prosecutor's office.

This seems to me to be one of the most desirable features of the program. Students would gain first-hand experience in preparing and trying cases. In some cases, they would interview defendants and prepare pleadings. In other cases, they would get a look at the opposing side, by assisting the prosecutor's office. As Prof. Robinson Everett, of Duke University Law School, wrote me about his school's trial project:

We felt that the students learned much more by viewing criminal justice from both sides, instead of only one.

The idea of such programs is clearly sound. The major problem is how to implement it. A number of law schools have initiated projects along these lines, mostly through the assistance of the Ford Foundation or other private funds. These projects have been small, but quite effective. They have given us guidelines for expansion to more schools and more students.

Among the law schools which have developed outstanding programs have been Boston University, the University of Wyoming, and the University of Kansas. While I would propose to let the faculty and administration of each school develop its own proposals, subject to the approval of the Commissioner of Education, the privately financed programs can give us some indication of the possibilities.

I would envision courses devoted to the substance and procedure of criminal law. Some instruction would be given on the peculiar problems involved in dealing with indigent criminal defendants. Seasoned trial attorneys might be employed to listen to law students in practice trial workshops, commenting on their techniques. And students could gain practical experience by assisting defense and prosecution attorneys in the preparation and trial of criminal cases, to the extent permissible under proper supervision. Students could aid in interviewing, research, trial preparation, and sit at counsel's table during the actual trial. In Massachusetts and several other States, in fact, senior law students are actually permitted to try cases, under the general supervision of competent counsel. Surely this practical experience would be invaluable to any law student.

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

Mr. BREWSTER. I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, if it becomes necessary, I shall speak on my time.

I remember when I was a student at the University of Minnesota. We had a trial practice course that was conducted or administered under the auspices of the legal aid office in Minneapolis. That was our first baptism or experience with actual courtroom work, as the Senator has said. We operated under the guidance of lawyers in charge of legal aid work in Minneapolis.

We were allowed, as senior law students in the trial practice course, to be associated with counsel, and we thus were fortunate in obtaining a considerable amount of courtroom experience, even before we left law school.

There is no question about the educational advantage of such a program to law students. It was also a great help to the indigents in the Minneapolis area, including St. Paul. We worked with the poor and did the research for which the lawyers in the legal aid office, after a review of our efforts, assumed the legal responsibility. As the Senator knows, it is the people who do the research in the law office who provide the material for the lawyers that they use to protect the rights of clients.

The objective of the amendment of the Senator has my enthusiastic approval. As he knows, when I rise to speak in my own right I shall give the reasons why, as the manager of the bill, I cannot accept the amendment. I shall have something further to say with regard to the matter and the future of the bill.

Mr. BREWSTER. I thank the Senator from Oregon [Mr. MORSE] for his always knowledgeable comment.

Briefly, in further explanation of the amendment, all too often, students graduate from law school with a good grasp of the fundamental law—and no idea of how to prepare and try a case. I would hope that these programs would remedy that defect.

This is particularly vital in view of the expanding need for competent attorneys

to prosecute and defend criminal cases involving indigent persons. Recent Supreme Court decisions have increased this need. The law schools must provide a larger number of well-trained lawyers.

I am gratified to discover that I am not alone in my enthusiasm for such an undertaking.

I have received a letter from Supreme Court Justice Tom C. Clark indicating his strong support for the proposal. Similar encouragement has come from Circuit Court Judge J. Skelly Wright, Chief Justice Roger J. Traynor, of the California Supreme Court, Dean Erwin Griswold, of the Harvard Law School, and Attorney Edward Bennett Williams. Each of these men has indicated that he believes the establishment of such training programs in our law schools would be of great benefit to our system of justice.

Mr. President, I ask unanimous consent to have these letters printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BREWSTER. Mr. President, $800,000 seems to me to be a small price to pay for an undertaking which would strengthen our system of criminal justice so greatly. The budgets of earlier Ford-financed programs have run from $8,000 to $30,000 and higher, depending on the type of program and the number of students involved. This authorization would make it possible for such programs to be initiated in a considerable number of the Nation's 140 law schools which otherwise simply would not be able to undertake such projects. What is more, experience indicates that many schools may find themselves able to take over the entire financing of such programs after grants have provided the initial impetus.

In brief, Mr. President, I think that a small investment here will pay rich dividends in the future. With the Miranda and Gideon decisions, we are faced with the necessity of providing an increased number of capable attorneys to handle the cases of indigent criminal defendants. The growing numbers of criminal cases make it just as urgent that we train competent prosecuting attorneys who can try cases fairly and effectively. We must encourage the Nation's law schools to provide the necessary training for both prosecuting and defense attorneys.

My amendment would provide a strong inducement to establishing such training programs in many law schools which could not otherwise do so, and at a relatively small cost. I believe that the future would demonstrate the wisdom of such a policy.

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

EXHIBIT 1

SUPREME COURT OF THE UNITED STATES,
Washington, D.C., September 14, 1966.

Hon. DANIEL B. BREWSTER,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR BREWSTER: Your amendment to the Higher Education Act of 1966 would be of great assistance in the implementation of programs designed to furnish effective counsel to indigent defendants and promote the art of advocacy which is so much needed in the profession.

As you know, the National Legal Aid and Defender Association, through the Director of the National Defender Project, has been doing some excellent work in this area among some 40 of our law schools, but 13 of these schools do not receive any funds through the Project. This program financed by the Ford Foundation, is only able to scratch the surface. As you can see, out of the 136 ABA-approved law schools in the entire country only a small number in metropolitan areas are benefited. In this regard you may wish to confer with the Director of this Project, General Charles L. Decker, who may be reached at Me. 8-0737.

Let me express the appreciation of all of us for the interest you have shown and the effective work you have done in this field.

Very sincerely,

TOM C. CLARK.

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., September 19, 1966.

Hon. DANIEL B. BREWSTER,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BREWSTER: Thank you for your letter of September 8th. Of course I am much interested in the amendment which you are proposing to the Higher Education Act of 1966.

This School is much interested in the project which you have in mind. Indeed, we already have a grant from the Office of Economic Opportunity for a neighborhood law office, and we are hard at work at developing that project, which will utilize a considerable number of law students. In addition, we have a student organization here known as the Harvard Voluntary Defenders. And, under another grant, Professor Livingston Hall of our Faculty is developing a project which will put a number of our students into the offices of district attorneys in this community where they will get valuable trial experience.

It seems to me that all of this should be planned and funded on a much larger scale than has been available heretofore. Consequently, I welcome the proposal you have in mind, and hope that it will be followed through, and developed further.

With best wishes,

Very truly yours,

ERWIN N. GRISWOLD,
Dean.

SUPREME COURT OF CALIFORNIA,
San Francisco, September 13, 1966.

Hon. DANIEL B. BREWSTER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BREWSTER: The plan set forth in your letter of 8 September to provide federal funds to aid law schools in training their students through participation in local legal aid work is most commendable. I hope that you are successful in your efforts.

Sincerely,

ROGER J. TRAYNOR.

WILLIAMS & WADDEN,
Washington, D.C., September 12, 1966.

Hon. DANIEL B. BREWSTER,
U.S. Senate,
Washington, D.C.

DEAR DAN: I was really pleased to receive your letter of September 8 telling about your bill to provide Federal aid to law schools for training in advocacy. I think it is a great proposal. I have long been advocating a comparable program and am delighted that you are taking steps toward implementing the idea.

Sincerely yours,

EDWARD BENNETT WILLIAMS.

U.S. COURT OF APPEALS,
Washington, D.C., September 12, 1966.

Hon. DANIEL B. BREWSTER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BREWSTER: I have your letter of September 8 in which you indicate you are proposing an amendment to the forthcoming Higher Education Act of 1966 which would provide funds to be used by law schools in training law students in the problems of providing legal assistance to the poor.

I believe your proposal reaches a felt need of the law schools. Law schools have suffered by comparison with the medical schools in that participation in actual cases has not been included as part of the curriculum. Like their medical brothers, law students could render a distinct service to the poor while profiting from the experience themselves. Now that all defendants will be provided with counsel, many through the use of public funds, a new image of the criminal lawyer should emerge. No longer should the criminal lawyer be looked upon merely as a mouthpiece for organized crime or the representative of white collar offenders. A program such as you envisage would tend to develop criminal lawyers with a social conscience dedicated to insuring an accused in a criminal case, whatever his means, a legal and appropriate defense.

The Supreme Court of Massachusetts has embarked on an interesting extension of the idea you propose. It has promulgated a rule under which senior law students may actually prosecute as well as defend cases under the supervision of a member of the bar, it not being required that the member of the bar be present in the courtroom during the trial. In this way the law student can get a balanced view of the entire criminal process. I enclose a copy of the Massachusetts Supreme Court rule to which I have referred.

Sincerely,

J. SKELLY WRIGHT,
U.S. Circuit Judge.

(Enclosure.)

COMMONWEALTH OF MASSACHUSETTS

At the Supreme Judicial Court holden at Boston within and for the said Commonwealth on the twentieth day of June in the year of our Lord one thousand nine hundred and sixty-six: present, Hon. Raymond S. Wilkins, Chief Justice; Hon. John V. Spalding, Hon. Arthur E. Whittemore, Hon. R. Ammi Cutter, Hon. Paul G. Kirk, Hon. Jacob J. Spiegel, Hon. Paul C. Reardon, Justices.

Ordered, that Rule 11 of the General Rules be repealed and that the following be substituted therefor:

"11. LEGAL ASSISTANCE TO THE COMMONWEALTH AND TO INDIGENT CRIMINAL DEFENDANTS

"(a) A senior student in a law school in the Commonwealth, with the written approval by the dean of such school of his character, legal ability, and training, may appear without compensation on behalf of the Commonwealth in criminal proceedings in any District Court, provided that the conduct of the case is under the general supervision of a member of the bar of the Commonwealth who is a regular or special assistant district attorney or a regular or special assistant attorney general.

"(b) A senior student in a law school in the Commonwealth, with the written approval by the dean of such school of his character, legal ability, and training, may appear without compensation on behalf of indigent defendants in criminal proceedings in any District Court, provided that the conduct of the case is under the general supervision of a member of the bar of the Commonwealth assigned by the court or employed by an approved legal aid society or defender committee.

"(c) The expression 'general supervision' shall not be construed to require the attendance in court of the supervising member of

the bar. The term 'senior student' shall mean students who have completed successfully their next to the last year of law school study.

"(d) The written approval described in (a) and (b), for a student or group of students, shall be filed with the clerk of the Supreme Judicial Court for the county of Suffolk and shall be in effect, unless withdrawn earlier, until the expiration of eighteen months after such filing or the announcement of the results of the first bar examination following the student's graduation. For any student who passes that examination, the approval shall continue in effect until the date of his admission to the bar."

RAYMOND S. WILKINS,
Chief Justice.
JOHN V. SPALDING,
ARTHUR E. WHITTEMORE,
R. AMMI CUTTER,
PAUL G. KIRK,
JACOB J. SPIEGEL,
PAUL C. REARDON,
Justices.

Mr. MORSE. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from Oregon may proceed.

Mr. MORSE. Mr. President, I thank the Senator for having brought to the Chamber the training program in the conduct of criminal cases involving indigent persons as found in amendment No. 956.

Unfortunately, although the committee took testimony on July 12, 13, and 14, and we would have welcomed the testimony of the Senator at that time on the program that he is now offering, we were unable to consider it either in hearings or in executive sessions, thus we have no hearings record made on the amendment. Therefore, although on the substance of his amendment I could not disagree with him, I must necessarily do so on procedural grounds. It would be my hope that the Senator would withdraw the amendment at this time, having accomplished the very worthy purpose of bringing attention to this area, and I can assure him that in the next session of the Congress when appropriate legislation is before the committee on this subject—it will probably be the Subcommittee on Education of the Committee on Labor and Public Welfare before whom it would come for hearing—we will be happy to obtain from him and others the evidence which could be used to substantiate the proposal.

I thought that the able Senator should know that I have obtained the following comment from the Department of Health, Education, and Welfare on his amendment:

POSITION OF HEW

The Department is not opposed to this proposal in principle, but has not had sufficient time to assess the actual degree of need involved, the full implications of the amendment, or the adequacy of the amount of money to be authorized.

It would also be important to assess the relationship of this amendment to related programs being conducted under the poverty bill.

Mr. President, I understand that $800,000 would be the cost of the proposal as presented but in my judgment, it would also be important to assess what is sought to be achieved by it in connection with related programs which may be conducted under the authorities of the poverty program. So that, for the reasons I have given, the committee does not believe that this amendment should be adopted at this time.

I have conferred with the majority of my committee members and they have agreed that I should oppose the amendment, not on its merits, but because we have no hearings record on it. Also, as the Senator knows, under the agreement under which we are operating, the amendment could be subject to a point of order but I do not wish to put it in that position.

I hope the Senator from Maryland will accept my pledge that, come next January, I will see to it that he gets subcommittee hearings on the amendment, if it is assigned to me. I think that if he drafts it as I am sure he will, it could be appropriately referred to my subcommittee. That is the best way to handle it at this time. Further, as I am sure the Senator will appreciate, I could be subject, as the floor manager of the bill, to just criticism if I accepted any amendment on the floor of the Senate now, without hearings, to provide for an additional $800,000 on this bill.

As every member of my committee will testify, Republican and Democrat alike, the manager of the bill in committee insisted that we go over every funding item called for in the bill. We have brought to the floor of the Senate a bill which we believe every single dollar in it is justified by the evidence given before the committee.

Let me say, to the extent that it goes over the President's budget of some $432 million for fiscal year 1967, more than $100 million of that is in the form of construction loans which will come back to the Government and, therefore, should not be considered in connection with the question as to the amount of money involved. Further, $30 million is in direct NDEA loan authority increases needed to protect students. The administration will not get an anticipated $300 million in the 3 years of the extension of the title III loan program which they had counted on raising from the participation sales program. That program was suspended after the bill had passed the House. Those notes will not be sold under it for some time. Therefore, we had to supplement the loss to some degree by the increased construction loan provisions which we have placed in the bill.

Thus, I respectfully ask the Senator from Maryland if he would be willing to withdraw his amendment, now that he has made a good case for it on its merits, so far as the program is concerned, and I assure him of hearings, come next January.

Mr. BREWSTER. Mr. President, I, of course, defer to my distinguished colleague from Oregon. His great wisdom in the field of teaching law, and in the Senate, is compelling reason enough to ask to withdraw this amendment. I am also well aware of the fact that in view of the most expensive international situation in which we find ourselves, Congress should not pass a new expensive program exceeding the President's budget unless it is, in the joint wisdom of the Senate, all important.

I thank and commend the Senator from Oregon for his promise that he and his committee will look into this matter next year, as I do feel that it is worth while. As a lawyer myself, with considerable trial experience, I know the need for a training program for trial lawyers to represent both the indigent accused and to represent the city or the State.

Mr. MORSE. I assure the Senator from Maryland of my good faith.

I will be proud to be associated with him as a cosponsor of his amendment when he introduces it, if he would like to have me as a cosponsor.

Mr. BREWSTER. The Senator from Maryland will be honored and pleased if the Senator from Oregon would cosponsor the amendment.

Mr. President, I ask unanimous consent that I may be allowed to withdraw the amendment which I have just introduced.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment without asking for unanimous consent. The RECORD will show that the amendment has been withdrawn.

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

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 19, between lines 10 and 11, insert a new section, as follows:

STUDY TO DETERMINE MEANS OF IMPROVING LOAN INSURANCE PROGRAM

SEC. 113. The Commissioner of Education shall make an investigation and study to determine means of improving the loan insurance program pursuant to part B of title IV of the Higher Education Act of 1965, particularly for the purpose of making loans insured under such program more readily available to students. The Commissioner shall report the results of such investigation and study, together with his recommendations for any legislation necessary to carry out such improvements, to the President and the Congress no later than January 1, 1968.

Redesignate sections 113 through 116 of the bill as sections 114 through 117, respectively.

Mr. BREWSTER. Mr. President, one of the great achievements of this Congress has been the program of guaranteed loans for students in higher education, passed during the last session. This program is a giant step toward the highly desirable goal of providing deserving students with money to finance their educations, but leaving the administration of the program to private commercial credit, instead of the Federal Government.

Unfortunately, the program has not worked as well as had been hoped. Due to the current monetary situation, banks have apparently decided that their money can be better employed in ventures other than student loans. As a result, a number of banks have recently dropped out of the student loan program. Many others are sharply curtailing their participation.

What this means, in concrete terms, is that thousands of students will be unable to continue their educations. The

program is there, but it is not sufficiently attractive to induce the banks' full participation. If we are to carry out our commitment to our students, we must make this program work.

I am, therefore, sending to the desk an amendment to the pending bill which would direct the Commissioner of Education to make a study of the loan insurance program, and determine methods of making such loans more readily available to students. Several such possibilities have occurred to me. The Federal Government might absorb part of the administrative cost involved in granting such a loan, or the Federal Reserve might be able to take steps to make these loans more attractive to the banks. I would hope that the Office of Education would evaluate these and all other appropriate proposals.

The Congress owes it to the students of America to provide the best and most effective loan program. The program we have at present is not functioning as it should. Let us have the Commissioner of Education find out why not, and report back to the Congress.

I ask the Senate to accept the amendment.

Mr. MORSE. Mr. President, Senators will find in the RECORD for last Friday a colloquy between the Senator from Massachusetts [Mr. SALTONSTALL] and me, as manager of the bill, in regard to the student loan programs, which I think will be of interest as one considers the amendment of the Senator from Maryland.

The RECORD will also show that the Senator from New York [Mr. JAVITS] and I have both been strong advocates of insured private loans from financial institutions around the country, provided that the guaranteed loan program did not result in the elimination of the direct student loan program of title II of National Defense Education Act. The National Defense Education Act student loan program is needed. As the Senator from Massachusetts [Mr. SALTONSTALL] and I discussed Friday, what is needed for boys and girls, for example, whose families were sharecroppers, boys and girls from poverty-stricken areas, boys and girls from ghettos, is a program under which they can get loans. We cannot expect banks, who have stockholders to consider, to grant student loans to such boys and girls, although the long-run experience of the financial institutions is that such loans are not risky loans. The integrity and the appreciation of these boys and girls for getting an education are such that they are good risks; but, on paper, they do not have collateral behind such loans, either of their own or of their families.

The Senator from New York [Mr. JAVITS] and I have been ardent supporters of what the Senator from Maryland has in mind with regard to the purpose of his amendment. The Senator from New York is deserving of great credit for the leadership he has exercised in my committee for the past 2 years on this matter.

The study the Senator from Maryland [Mr. BREWSTER] is asking for is not one that requires an additional amount of money in this bill. I made clear to the Department that I thought the amendment should be adopted. As was pointed out, the Department is studying the problem now, anyway, and this matter will be under great study between now and the next session of Congress.

What I would like about the amendment is that it formalizes the study and places a clear legislative mandate on the Department to come up with such a study by a definite date.

Furthermore, I believe, it will have a salutary effect in strengthening the hand of the Department in its conferences and negotiations with banking institutions. It will give banking institutions the assurance that while the Department and the Congress mean business in this field, we also need their cooperation and their suggestions for procedural proposals needed to do the job of evoking a more enthusiastic response on the part of the financial institutions in carrying out this part of title IV of the Higher Education Act of 1965.

I am happy, as manager of the bill, to accept the amendment, and I recommend that the Senate adopt the amendment.

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

Mr. MORSE. I yield.

Mr. SALTONSTALL. The Senator from Oregon was kind enough to mention a colloquy we had last Friday. I think that anything that is designed to strengthen this particular part of the program is one of the best steps we can take. The RECORD will show that, as the Senator has said, while on paper the students are poor risks, they turn out to be excellent risks. The results in the very institutions which make these loans show that the program has been successful.

Mr. MORSE. Mr. President, I am ready to accept the amendment. I yield back my time on the amendment.

Mr. BREWSTER. I yield back my time and wish to thank the manager of the bill, the distinguished Senator from Oregon.

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

The amendment was agreed to.

Mr. YARBOROUGH. Mr. President, this important bill amends and broadens several previously enacted higher education assistance bills. It broadens and extends the Higher Education Facilities Act for 3 years. It extends certain parts of the Higher Education Act for 3 years. And it amends parts of the National Defense Education Act.

The $4.4 billion, 3-year total of the committee bill is more than a billion dollars over the administration request. However, the administration request was ridiculously inadequate. For instance, out of our $1.4 billion authorization for fiscal year 1967, $729 million is spoken for as a backlog of applications already received.

College enrollments have doubled in the past decade. Junior college growth is especially explosive. It has increased by 100 percent in just the past 5 years. All college enrollment, junior and senior colleges, is nearly 6 million today, and it is logical to expect this enrollment to double in the next 10 years.

The fiscal year 1967 authorization of $1,392 million breaks down as follows:

Grants for undergraduate construction: $560 million, an increase of $100 million over last year. A separate authorization for junior colleges of $140 million is included here, instead of the old 22-percent figure. The change was made in recognition of the spectacular growth of junior colleges.

Seven million dollars for planning.

One hundred and twenty million dollars for construction of graduate facilities. This is the same figure as last year, in contrast to the administration request for only $60 million.

Four hundred million dollars for loans for construction of academic facilities.

Fifty-five million dollars for developing colleges.

Two hundred and fifty million dollars for National Defense Education Act loans.

Texas will be eligible for $117.6 million in funds for undergraduate buildings during the next 3 years.

The committee has approved an administration request for a new method of financing National Defense Education Act student loans, through the participation sales method. While supporting the request, I, along with other members of the committee, am quite concerned that the value of this program to students not be diminished. Accordingly, the committee report contains the following section:

> Although certain changes have been made in the financing of the national defense student loan program, the committee intends no diminution in the quality of this program. The committee urges the Office of Education and American colleges and universities to search constantly for ways to make this program more valuable and more useful to the student.
>
> After each of the 2 years during which this bill authorizes expenditures for the national defense student loan program, the committee requests that the Office of Education submit a comparison of the cost to the Government of financing the program under the participation sales procedures with the cost which the Government would have undergone in financing the program under the method which has been used until now. The committee points out that the proper comparison will include, under the old method, the cost of financing just that percentage of the budget deficit if any that would have been attributable to this program.

The committee has also approved a change in the maintenance-of-effort provision of the Yarborough-Carey college equipment purchase program. I ask unanimous consent that the explanation from the committee report be printed at this point in the RECORD.

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

MAINTENANCE OF EFFORT FOR COLLEGE EQUIPMENT PROGRAM

The program of grants for college equipment under part A, title VI, of the Higher Education Act of 1965, was successfully

launched and already is contributing dramatically to the improvement of undergraduate instruction. In the hearings, the committee received ample testimony to this fact. The testimony also provided substantial evidence of serious problems in the current maintenance of effort provisions for the college equipment program.

The principal problems involved in the current maintenance of effort requirement are:

1. It is almost impossible to determine or to verify precisely the effort by an institution for the specific purposes covered by this program. This information cuts across normal institutional account classifications.

2. The requirement is unduly harsh in that it not only requires the institutional matching funds expended in the year of the grant award to be above and beyond the required maintenance of effort but also tends to require a "pyramiding" of institutional effort if applications are submitted in succeeding years.

3. Conversely, an institution can obviate the effect of the requirement if it settles on a tactic of submitting applications every other fiscal year.

4. As the current provision is interpreted by the Office of Education, capitalized investment in equipment for new buildings (plant fund expenditures) must be included in the maintenance of effort calculation. This interpretation further aggravates the "pyramiding" effect and the importance of timing in submission of an application.

Section 113 of the reported bill would amend the maintenance of effort provisions for the college equipment program along the lines of numerous suggestions received by the committee. The new provision, to be effective for applications filed after December 30, 1966, would require that institutions maintain the level of their expenditures from their current funds for institutional and library purposes, other than personnel costs, in order to be eligible for grants under the program. Data for the verification of this requirement will be readily available in the standard accounting records of most institutions. In addition, the new requirement will avoid distortions which arise when major capital projects are included, and will avoid undue interference in the orderly financial planning of the institutions.

The revised maintenance of effort provisions will, however, insure that the Federal grant funds supplement, rather than replace, the institution's own spending for institutional and library purposes. The change is made effective as of December 30, 1966, since the majority of State commissions already have received applications for current closing dates on the basis of the current maintenance of effort provisions.

Mr. RANDOLPH. Mr. President, I want, briefly, to express my firm support for this measure. The gentleman from Oregon [Mr. MORSE] has, as usual, presented very cogent arguments for the adoption of this legislation and has entered into the record the vital success thus far realized by our several States under the Federal aid to higher education programs.

The small colleges in the State of West Virginia, Mr. President, have been trying for the past several years to meet the onrushing tide of increased applicants and increased enrollments. I pointed out, in my comments on the Elementary and Secondary Education Act Amendments of 1966, which this body has just passed, that West Virginia has severe problems in the educational field. I want to pay tribute to the fine work our many small colleges are doing, along with the efforts of our two universities, to combat our community problems and to maintain—indeed, to raise—the levels of education available to our children.

Mr. President, passage of this bill will mean raising the standards not only in West Virginia, but across the Nation as well. I want the Members to know that I realize this full well, and I am not being merely provincial in my views or my support.

But I must include in the record of this debate today, that passage of this legislation authorizes, for West Virginia, a total of $5,926,095 in funds for fiscal year 1967, $7,703,924 for fiscal year 1968, and $9,905,045 for fiscal 1969. The bulk of these funds will go to our small colleges, our community colleges, which are struggling so hard to complement the efforts of West Virginia's two fine universities. And the small colleges have always been close to my heart. My father and grandfather both worked to found and to improve them, and if God is willing, I shall continue that task.

Mr. MORSE. Mr. President, I have stated this many times on the floor of the Senate, but I want the RECORD to show again that when my colleague from West Virginia [Mr. RANDOLPH] speaks of the needs and the attributes of the small colleges of our Nation, I have no doubts about his knowledge of the subject and his authority in this regard. I have, over the years spent working with him here, come to know the Senator as probably the best informed man in the Senate on the problems of the small college and the contributions these institutions make to our communities. I want to thank him for his cooperation with and contributions to this legislation.

Mr. President, the manager of the bill is ready for the third reading, but I agreed with the Republican side that we ought to have a quorum call before that is done.

Mr. KUCHEL. Mr. President, I yield myself 1 minute on the bill.

I am unaware of any amendment in the offing, but before the bill goes to third reading, I should like to suggest the absence of a quorum, so that Senators may be notified that we are about to pass this bill.

I therefore suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HART in the chair). From whose time is the time for calling a quorum to be taken?

Mr. MORSE. From time on the bill.

Mr. KUCHEL. To be equally divided.

The PRESIDING OFFICER. The time is to come from time on the bill, to be equally divided.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MORSE. Mr. President, as manager of the bill, there being no further amendments, I am ready for the third reading.

The PRESIDING OFFICER. The Chair is informed that there is a committee amendment; and the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

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

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

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

The bill was read the third time.

Mr. KUCHEL. Mr. President, speaking for myself, I am ready to proceed to a vote, but, in the exercise of an abundance of caution, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. KUCHEL. Out of the minority's time on the bill.

Mr. MORSE. No; we will make it out of both sides.

Mr. KUCHEL. A very generous gesture, I say to my able friend.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MORSE. The manager of the bill is ready for passage. I yield back the remainder of my time.

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

The PRESIDING OFFICER. All time having been yielded back, and the bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 14644) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, I move that the Senate insist on its amendment and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Senators MORSE, HILL, YARBOROUGH, CLARK, RANDOLPH, KENNEDY of New York, WILLIAMS of New Jersey, PROUTY, JAVITS, and DOMINICK conferees on the part of the Senate.

Mr. MORSE. Mr. President, I ask unanimous consent that the bill as passed be printed.

The title was amended so as to read: "An Act to amend the Higher Education Facilities Act of 1963, the Higher Education Act of 1965, and the National Defense Education Act of 1958."

Mr. MORSE. Mr. President, I ask unanimous consent that as manager of the bill, I be permitted to have printed in the RECORD such tables, and other material as is necessary to make the appropriate legislative history on the bill.

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

Comparison of authorizations, "Higher Education Amendments of 1966," H.R. 14644

[In thousands of dollars]

Program	Administration recommendation, 1967 [1]	As passed by the House (total, $2,974,000,000) [2]			As reported by the Senate (total, $4,079,000,000) [2]		
		1967	1968	1969	1967	1968	1969
Grand total	780,000	750,000	997,000	1,227,000	1,212,000	1,350,000	1,517,000
I. Higher Education Facilities Act of 1963 (total)	720,000	720,000	997,000	1,227,000	1,087,000	1,255,000	1,462,000
A. Title I (total)	460,000	460,000	707,000	907,000	567,000	735,000	942,000
1. Public community colleges and technical institutes	99,660	99,660	154,000	198,000	140,000	182,000	234,000
2. Other undergraduate facilities	353,340	353,340	546,000	702,000	420,000	546,000	702,000
3. State commissions	7,000	7,000	7,000	7,000	7,000	7,000	7,000
B. Title II—Graduate facilities	60,000	60,000	90,000	120,000	120,000	120,000	120,000
C. Title III—Loans	200,000	200,000	200,000	200,000	400,000	400,000	400,000
II. Higher Education Act of 1965: Title III—Developing institutions	30,000	30,000	----	----	55,000	55,000	55,000
III. National Defense Education Act of 1958 (total)	30,000	----	----	----	70,000	40,000	----
A. Title II—Student loan programs (total) [3]	30,000	----	----	----	(60,000)	(30,000)	----
1. Loans to students	----	----	----	----	30,000	30,000	----
2. Loans to institutions	30,000	----	----	----	30,000	----	----
B. Title III [4]— Equipment	----	----	----	----	(10,000)	(10,000)	----

[1] The administration recommendation did not contain specific authorizations beyond fiscal year 1967.

[2] Senate exceeds House by $1,105,000,000.

[3] New obligational authority; present law authorizes $190,000,000 in fiscal year 1967 and $195,000,000 in fiscal year 1968.

[4] New obligational authority; present law authorizes $90,000,000 for fiscal year 1967 and for fiscal year 1968.

Mr. MORSE. Mr. President, the Senate has today placed the second leg of support under the platform of financial aid to American education through the adoption of the Higher Education Amendments of 1966, following the adoption of the Elementary and Secondary Education Amendments of 1966 last week. It is our hope that shortly we shall bring the third and final bill in the form of the International Education Act to the Senate.

I appreciate the magnificent cooperation of the majority leader whose counsel and courtesy are exceeded only by his magnanimity and whose staff associates in the Democratic Policy Committee were particularly helpful in passing this legislation. I should like to add, Mr. President, that these same words of gratitude are applicable to the distinguished minority leader.

As I have said before and I shall certainly wish to reiterate upon this occasion, floor passage of this legislation is a tribute to the team spirit of my colleagues on the subcommittee on both sides of the aisle. It is a tribute to the public interest spirit which motivated my colleagues on both sides of the aisle in the full committee and to each of them and to the chairman of our committee I express my deep appreciation for the wholehearted cooperation I have invariably received in the consideration of this legislation.

Mr. President, I ask unanimous consent so that the RECORD may show the names of those who are responsible for this bill, that there be printed the names of the Senators who serve on the Committee on Labor and Public Welfare.

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

COMMITTEE ON LABOR AND PUBLIC WELFARE
LISTER HILL, Alabama, Chairman.
WAYNE MORSE, Oregon.
RALPH YARBOROUGH, Texas.
JOSEPH S. CLARK, Pennsylvania.
JENNINGS RANDOLPH, West Virginia.
HARRISON A. WILLIAMS, JR., New Jersey.
CLAIBORNE PELL, Rhode Island.

COMMITTEE ON LABOR AND PUBLIC WELFARE—Continued
EDWARD M. KENNEDY, Massachusetts.
GAYLORD NELSON, Wisconsin.
ROBERT F. KENNEDY, New York.
JACOB K. JAVITS, New York.
WINSTON L. PROUTY, Vermont.
PETER H. DOMINICK, Colorado.
GEORGE MURPHY, California.
PAUL J. FANNIN, Arizona.
ROBERT P. GRIFFIN, Michigan.

SUBCOMMITTEE ON EDUCATION
WAYNE MORSE, Oregon, Chairman.
LISTER HILL, Alabama.
RALPH YARBOROUGH, Texas.
JOSEPH S. CLARK, Pennsylvania.
JENNINGS RANDOLPH, West Virginia.
ROBERT F. KENNEDY, New York.
HARRISON A. WILLIAMS, JR., New Jersey.
WINSTON L. PROUTY, Vermont.
JACOB K. JAVITS, New York.
PETER H. DOMINICK, Colorado.

HIGHER EDUCATION AMENDMENTS OF 1966

HOUSE BILL, AS PASSED

Extension of title I of HEFA

Section 2(a): Would extend the title for three years.

Authorizations

Section 2(b): Would authorize $453 million in FY 1967, $700 million in 1968, and $900 million in 1969.

Reallotment

No provision.

Administrative expenses and planning

Section 3: Would authorize the Commissioner to expend up to $7 million in FY 1967 and in each of the two succeeding fiscal years for the administration of State plans and for grants to State Commissions for planning. Not more than $3 million may be expended for administration of State plans.

Extension of title II of HEFA

Section 4: Would extend the title for three years with an authorization of $90 million in FY 1967 and $120 million for the two succeeding fiscal years.

Maintenance of effort in title II of P.L. 89-329

No provision.

H.R. 14644—COMPARISON OF PROVISIONS

SENATE BILL, AS REPORTED

Extension of title I of HEFA

Section 101(a): Same.

Authorizations

Section 101(b): Would separate the authorizations for Section 103 (public community colleges and technical institutes) and Section 104 (institutions of higher education). For Section 103 the authorization would be $140 million in FY 1967, $182,000 in 1968, and $234 million in 1969. For Section 104 the authorization would be $420 million in FY 1967, $546 million in 1968, and $702 million in 1969.

(Section 101(c) is a conforming amendment to the above division in authorizations.)

Reallotment

Section 101(d): Would continue reallotment authority.

Administrative expenses and planning

Section 102(a): Same except that the administration of State plans under title VI of P.L. 89-329 would be included.

Section 102(b): Authority to expend funds under title VI of P.L. 89-329 for the administration of State plans would be repealed.

Extension of title II of HEFA

Section 103: Same except that the authorization for FY 1967 would be $120 million.

Maintenance of effort in title II of P.L. 89-329

Section 109: Would amend the maintenance of effort clause in Section 202 of title II of P.L. 89-329 (College Library Resources) to make the base year FY 1965 or "the two fiscals preceding the fiscal year for which the grant is requested, whichever is the lesser."

HIGHER EDUCATION AMENDMENTS OF 1966

HOUSE BILL, AS PASSED

Extension of title III of P.L. 89–329

Section 8: Would extend title III of the Higher Education Act of 1965 for one year with an authorization of $30 million.

Maintenance of effort for college equipment program

No provision.

Authorization for national defense student loan program

No provision.

Forgiveness for teachers of handicapped children

No provision.

Loans to institutions for national defense student loans

Change in Federal shares

No provision.

Extension of title III of HEFA

Section 5: Would extend title III of HEFA for three years with an authorization of $200 million.

Definition of development cost

Section 6: Would permit the inclusion of expenditures for works of art in the development cost.

No provision.

Authority for inspection fees

Section 7: The Commissioner's authority to prescribe inspection fees would be repealed.

Facilities for the handicapped

No provision.

Assistance for industrial arts

No provision.

District of Columbia student loan program

No provision.

H.R. 14644—COMPARISON OF PROVISIONS

SENATE BILL, AS REPORTED

Extension of title III of P.L. 89–329

Section 110: Would extend the title for 3 years with an authorization of $55 million.

Maintenance of effort for college equipment program

Section 111: Would revise the maintenance of effort clause in Part A of title VI of P.L. 89–329 to require continued expenditures "from current funds for instructional and library purposes, other than personnel costs" rather than to require continued expenditures for the "same purposes."

Authorization for national defense student loan program

Section 112: Would increase the authorization for capital contributions for National Defense Student Loans to $220 million in FY 1967 and $225 million in 1968.

Forgiveness for teachers of handicapped children

Section 113: Would broaden the 15 percent forgiveness in the National Defense Student Loan Program for teachers of the disadvantaged to include full-time teachers of handicapped children.

Loans to institutions for national defense student loans

Title II: Would establish a revolving fund from which institutions of higher education may obtain loans to capitalize student loans under the National Defense Student Loan Program.

Change in Federal shares

Section 104:

(a) Would make the minimum Federal share of the cost of project for institutions of higher education 33⅓ percent and the maximum 50 percent. In the case of public community colleges and technical institutes the minimum and maximum would be 40 and 60 percent respectively. The Commissioner would be permitted to waive the minimum requirements.

(b) The Federal maximum share of graduate facility projects would be raised to 50 percent.

Extension of title III of HEFA

Section 105: Same except that the authorization would be $400 million.

Definition of development cost

Section 106(a): Same.

Section 106(b): Would permit the inclusion of the cost of architectural and engineering services incurred after June 30, 1966, even though the contract for such services was made before the enactment of the law.

Authority for inspection fees

Section 107: Same.

Facilities for the handicapped

Section 108: Would require that plans for any facilities be in compliance with HEW standards to insure that the facilities be, to the extent appropriate, accessible and usable by handicapped persons.

Assistance for industrial arts

Section 116: Effective FY 1967. Sec. 303(a) of NDEA is amended by adding industrial arts. An addition of $10 million is authorized for FY 1967 and FY 1968.

District of Columbia student loan program

Section 112 of Higher Education Act of 1965 is amended to authorize the Board of Commissioners of D.C. to establish a student loan insurance program. Authorization is such amounts as may be necessary.

Mr. MORSE. Mr. President, I would be remiss if I did not acknowledge the debt of gratitude which as chairman I am privileged to express on behalf of the subcommittee to Secretary Gardner, Commissioner Howe, and each of their associates in their respective offices who contributed testimony and information upon which our committee judgment was based. In particular, I should like to hail the contribution of a public servant who has invariably been of assistance to the committee in its consideration of higher education legislation. I refer to Mr. Peter Muirhead, the Associate Commissioner for Higher Education, and the staff associates who work with him.

As always in matters of this kind I am greatly indebted to the staff of the committee, majority and minority alike, and to the staff of the Senate Legislative Counsel, particularly Mr. Peter LeRoux, who gave unstintingly of his time in the drafting of committee intent into clear language.

My thanks and those of my associates go to the clerk of the committee, Mr. Stewart McClure, the minority clerk, Mr. Roy Millenson, the counsel of the committee, Mr. John Forsythe, the minority staff, including Mr. Frank Cummings, and Mr. Charles Lee, professional staff member of the Education Subcommittee.

Not the least of my thanks should go to the clerical members of our staff who worked long and hard with much overtime to bring this measure to the floor. To each and every one of them I say thank you for a job well done.

Mr. MANSFIELD. Mr. President, personally, I deeply appreciate the exemplary manner in which the higher education measure was successfully disposed of this afternoon. The credit, of course, goes mainly to the senior Senator from Oregon [Mr. MORSE]. So well did he display again his deep devotion to public service.

This measure is so vital to the continuing expansion and improvement of the Nation's colleges and universities that it deserved advocacy of the highest order. Senator MORSE responded with his brilliant capacities. Its swift and efficient passage was accordingly assured.

But even more, I wish to thank Senator MORSE for his selfless cooperation in joining with the Senate to remove the possibility of an extended debate on his home rule amendment at this time. As I said before, such a procedure now would undoubtedly have served no purpose. The Senate apparently is in unanimous agreement.

Joining Senator MORSE in committee and on the floor of the Senate to assure the higher education achievements were the junior Senator from Vermont [Mr. PROUTY] who is the ranking minority member on the Education Subcommittee, and the Senators from New York [Mr. JAVITS and Mr. KENNEDY]. Their able support and articulate advocacy were most welcome in obtaining successful action on this bill today.

Similarly, the senior Senator from Maryland [Mr. BREWSTER] deserves high commendation for cooperating splendidly in an effort to make certain today's efficient and overwhelming approval. I only add that the Senate has gained another outstanding achievement of which all of the Members may be proud.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 3423. An act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Va., and for other purposes;

S. 3704. An act to provide for the striking of a medal in commemoration of the designation of Ellis Island as a part of the Statue of Liberty National Monument in New York, N.Y.; and

S.J. Res. 153. Joint resolution to provide for the striking of medals in commemoration of the 50th anniversary of the Federal land bank system in the United States.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 8678) to establish in the State of Michigan the Pictured Rocks National Lakeshore, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 698) to provide for the establishment of the Guadalupe Mountains National Park in the State of Texas, and for other purposes.

The message also announced that the House insisted upon its amendment to the bill (S. 3158) to strengthen the regulatory and supervisory authority of Federal agencies over insured banks and insured savings and loan associations, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PATMAN, Mr. MULTER, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. ASHLEY, Mr. WIDNALL, Mr. FINO, and Mrs. DWYER were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 13161) to strengthen and improve programs of assistance for our elementary and secondary schools; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POWELL, Mr. PERKINS, Mr. BRADEMAS, Mr. SCOTT, Mr. CAREY, Mr. WILLIAM D. FORD, Mr. MEEDS, Mr. SCHEUER, Mr. GOODELL, Mr. ASHBROOK, and Mr. BELL were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 14745) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1967, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FOGARTY, Mr. DENTON, Mr. FLOOD, Mr. MATTHEWS, Mr. DUNCAN of Oregon, Mr. FARNUM, Mr. MAHON, Mr. LAIRD, Mr. MICHEL, Mr. SHRIVER, and Mr. Bow were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17787) making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KIRWAN, Mr. FOGARTY, Mr. EVINS, Mr. BOLAND, Mr. WHITTEN, Mr. CASEY, Mr. MAHON, Mr. RHODES of Arizona, Mr. DAVIS of Wisconsin, Mr. ROBISON, and Mr. Bow were appointed managers on the part of the House at the conference.

The message notified the Senate that, pursuant to the provisions of section 2(a), Public Law 89-491, the Speaker had appointed Mr. MARSH, of Virginia, as a member of the American Revolution Bicentennial Commission, to fill an existing vacancy thereon.

The message also notified the Senate that, pursuant to the provisions of House Resolution 13, 89th Congress, the Speaker had appointed Mr. IRWIN, of Connecticut, as a member of the Select Committee To Conduct Studies and Investigations of the Problems of Small Business, vice Mr. WELTNER of Georgia, excused.

MILITARY CONSTRUCTION APPROPRIATIONS, 1967

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1699, H.R. 17637.

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

The LEGISLATIVE CLERK. A bill (H.R. 17637) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1967, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, I had no notice that the military construction bill would be called up for passage this afternoon.

A conference is now in progress on the public works appropriation bill, and I am a member of that conference committee.

A conference is scheduled for 4 o'clock this afternoon on the Department of Defense appropriation bill, and I am a member of that conference committee.

If the pending bill provokes any debate or requires any great length of time, I am not in a position to remain here, and I would have to ask that the pending business be temporarily laid aside until such time as I could be present. I just say that as notice to the Senate.

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

Mr. STENNIS. I yield.

Mr. SALTONSTALL. So far as I know, there is no suggestion of amendments or opposition on this side of the aisle.

Mr. STENNIS. I thank the Senator.

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

Mr. STENNIS. I yield.

Mr. MORSE. I should like to ask a few questions about the bill. As the Senator knows, I was not aware that the bill was coming up, and I have not had time to do my homework, so to speak. I shall have to do a little of it on the floor.

Mr. STENNIS. No Senator does more work here than the Senator from Oregon.

Mr. MORSE. I try to do my share.

Will the Senator from Mississippi tell me where this construction is to take place? Is it limited to the continental United States, or does it contain provision for construction abroad?

Mr. STENNIS. I say to the Senator from Oregon that we share the view on this question, that we thought there ought to be a curtailment of construction abroad; however, that directly supporting the war effort in Vietnam will be supported and the Congress has done so in the past in the supplemental appropriation bills.

With few exceptions the projects overseas are to replace essential facilities that have burned or otherwise been destroyed. The items in this bill represent extremely important and greatly needed facilities for the housing of personnel; facilities for direct operational support are involved outside the continental United States.

In the original bill—and that was one of the main matters I was going to cover—in round numbers there were about $40,100,000 of construction items in South Vietnam, not a part of our American Army or forces there, but it

was in effect military assistance or military aid to the Government of South Vietnam and other governments with troops there.

Mr. President, may we have order? Will the Chair obtain order?

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The Senate will be in order.

Mr. STENNIS. The committee has taken that $40,100,000 out of the bill. It has nothing to do directly with the war effort. This has always been maintained as purely a military construction bill for our American forces and for those directly allied with us in military preparations. The military construction bill has in no way been used as a military aid bill or an aid bill for other governments.

These projects may be needed there, but there is money available in existing live appropriations available to the Secretary of Defense both in language and in the dollars, to supply this need and fit this need. The Appropriations Committee finds that the Department of Defense can get the money from this source.

We are going to respectfully insist on this Senate amendment, if it is adopted in conference, and keep this bill clean and confined strictly to its original purpose.

The Senator from Oregon was formerly a member of the subcommittee that wrote up this very bill, in the authorization part.

Mr. MORSE. The Senator is very helpful to me with this explanation.

I am in a very difficult position with respect to appropriation bills for the armed services, because they are usually so mixed, and I find myself in favor of what I think are legitimate expenditures and against expenditures of another type.

In regard to the South Vietnam matter, I disapprove of the war. It is an inexcusable war, a shocking situation, in that we are killing American boys in southeast Asia in a war we never should have gone into, in a war that has not even been declared. But my views are well known to my colleagues in the Senate, and throughout the country.

Yet, to whatever extent this bill involves the building of facilities that are necessary to protect our men in South Vietnam, I certainly will not raise any objection this afternoon to these items, although I do raise an objection to American taxpayers being assessed a single dollar for the prosecution of this war.

As the Senator knows, I have argued against this war at great length in the last 3 years, and I have been charged with letting down the boys in South Vietnam. I respect the men and women in Congress who disagree with my views in regard to the war. But the Senator knows my answer to that charge, which is made across this country. So far as I am concerned, I am not voting to let them down. I am just not voting the money to send them there to be killed.

If we, as Members of Congress, were to exercise the checking power that we have under the Constitution, and refuse the funds, the President would have to change his course of action. He would have to fall back upon the military advice of advisers much better than those from whom he is now taking advice, in my judgment—General Ridgway, who was in charge of our forces in Korea, and General Gavin, who, before his retirement, was one of the top strategists of our entire Military Establishment. Great military authorities, Ridgway and Gavin, have had the courage to tell the American people that, from a military standpoint, we are following the wrong course in southeast Asia.

We should stop escalating this war, because the escalation of the war increases, week by week, the danger of world war III developing through a war with China. That danger, it seems to me, is pretty well known. We have honest differences of opinion.

I have not voted appropriations for the prosecution of the Vietnam war, and I shall not vote appropriations for the prosecution of this war.

The Senator from Mississippi puts me in a very difficult position this afternoon, because I am not fully informed as to all that is involved in this bill. It is my understanding that, by the committee amendment, the committee has taken out of this bill the funds for the building of permanent military establishments abroad, including Vietnam, and that the money in the bill in regard to Vietnam is for the support of those boys at the present moment.

Am I correct in my understanding with regard to that matter?

Mr. STENNIS. The Senator is correct, except that there is really no direct construction money for Vietnam in the bill, as we present the bill to the Senate.

Mr. MORSE. Fine. That resolves a good deal of my problem.

Mr. STENNIS. Of course, the Senator understands that there is money in the bill for items that support our war effort as it originates at home.

Mr. MORSE. I understand that.

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

Mr. MORSE. I yield.

Mr. SALTONSTALL. I simply should like to confirm what the Senator from Mississippi has said so well.

We considered the matter very carefully, and we took out this $40 million, first, because it was not really for U.S. forces military construction, and, secondly—a fact which influenced my vote—because if we put this $40 million into military construction, it would have made $40 million more available for military appropriations, and Congress would not be able to tell where it went. However, if we left that money in military appropriations, then they would have to justify it before Congress.

Mr. MORSE. May I say, before I proceed further, that I wish to extend every courtesy to the Senator from Mississippi. Perhaps I had better desist at this point and permit the Senator from Mississippi to complete whatever statement he wishes to make, and then I shall take 5 or 10 minutes to explain my position on the bill.

Mr. STENNIS. I thank the Senator.

My opening remarks were in no way meant to curtail the remarks of the Senator from Oregon or any other Senator.

Mr. President, I yield now to the Senator from Wisconsin.

SLASH IN MILITARY CONSTRUCTION FROM $3 BILLION TO $1 BILLION GREAT ECONOMY EXAMPLE

Mr. PROXMIRE. Mr. President, I rise to commend the Senator from Mississippi [Mr. STENNIS] on what I think is a remarkable achievement in the national interest in his handling of the military construction appropriation bill.

The Senator from Mississippi is chairman of the Appropriations Subcommittee that considered this bill. He chaired the extensive hearings and was the leading and decisive force in making the remarkable cuts that this bill provides.

Mr. President, for months I have been hammering away at the thesis that in this year of rapidly rising prices, we must do all we can to hold down Federal spending.

One appropriation bill after another has passed this body, often higher than last year's, and too frequently over the administration's request.

The Senate and the House of Representatives increased the Interior appropriations more than $100 million over last year, the legislative appropriations $25 million in excess of 1966, and agricultural appropriations by a huge $750 million. The Labor-HEW bill will be a fat $1¾ billion above last year's figure when it emerges from conference, to give only a few examples.

But, Mr. President, here we have the bill for military—I repeat military—construction in a time of war, when the military effort has been greatly stepped up, the demand for military facilities understandably increased, and this subcommittee under the remarkable leadership of the Senator from Mississippi [Mr. STENNIS] has succeeded in reducing appropriations not only below the House and the budget request, but by an amazing two-thirds from last year.

That is right. The bill has been reduced by a huge 65 percent, from about $3 billion last year to less than $1 billion this year. Just think of that, Mr. President. Let me repeat it: This bill was cut from $3 billion last year to about $1 billion this year. What an achievement.

A part of this, but a relatively small part, was because of a defense policy against family housing construction. What makes this drastic spending slash so significant is that this is the very kind of anti-inflationary activity which best contributes to price stability as well as keeping overall Federal spending down.

Mr. President, it is ironic that in a time when all of us should be prepared to make whatever sacrifices our military needs in Vietnam require, the one sector of our Federal spending, that in which this Congress makes a truly effective sacrifice, is the military itself.

Of course, the military needs the hospitals, the barracks, the housing of all kinds that this construction bill normally provides, but the Defense Department and the Senator from Mississippi also recognize that at a time when prices are rising the best contribution to a sound and stable economy is precisely the kind

of drastic reduction in spending that this appropriation bill represents.

I fervently hope that the Senate will take a hard, tough look at the appropriations bills remaining before us, and consider the splendid example provided by this bill and by the remarkable work of the Senator from Mississippi [Mr. STENNIS] in handling it.

Mr. STENNIS. I thank the Senator from Wisconsin [Mr. PROXMIRE] on behalf of all of the members of the subcommittee for his very generous remarks. I especially thank him on behalf of the Senator from Massachusetts [Mr. SALTONSTALL] who attended virtually all of these hearings, and who was very active in the markup of the bill, as he always is and has been for many years.

Mr. President, with respect to the reductions to which the Senator from Wisconsin [Mr. PROXMIRE] referred, this year this bill was less than it usually is, even when it started out, because there had been closer scrutiny given to these items. There had been a freezing of the majority of the items for the fiscal year 1966. I also wish to point out that housing construction was left out of the bill by the Department of Defense, as the Senator pointed out.

We do have the bill $128 million under the budget figure as it started out in January of this year. Some of those reductions were also made by the authorization committee which held the initial hearings. The chairman of that committee was the Senator from Washington [Mr. JACKSON]. The bill is now $32 million under the amount in the House bill that was passed by the House of Representatives a few weeks ago. We did put in some authorized items that the House had omitted, but there is a net reduction of $32 million.

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

Mr. STENNIS. I am glad to yield to the Senator from Kansas.

Mr. CARLSON. Mr. President, I wish to express my commendation and thanks to the distinguished chairman of the Subcommittee on Military Construction Appropriations, the distinguished minority Member [Mr. SALTONSTALL], and other members of the subcommittee for the inclusion of an item for the 5th Army at Fort Riley, Kans. This item includes $12,100,000 for the construction of enlisted men's barracks.

The distinguished Senator from Mississippi [Mr. STENNIS] will well remember my efforts in that regard a year ago. The Senator promised me at that time that the item would be given consideration in this session. I want the Senator to know that I greatly appreciate it.

Mr. President, this is a very worthwhile item because at the present time there is a training division at Fort Riley, Kans., with thousands of men in training. Barracks are badly needed.

I wish to express my appreciation to the Senator for the inclusion of the item.

Mr. STENNIS. The Senator is generous, and he is ever vigilant of the welfare of the highly important defense installation at Fort Riley, Kans.

Last year the Senator from Kansas [Mr. CARLSON] presented an amendment asking for this project, but we did not get around to providing the money, even though he urged it. We told him then that if he could wait a year he could get a more complete barracks complex. That is what happened. I recall that last year there was about two-thirds of a barracks complex for Fort Riley whereas this year the amount is $12 million in a lump-sum appropriation for a complete barracks complex, and it will be the most modern installation in the United States when completed.

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

Mr. STENNIS. As I recall, there is already one division from Fort Riley, Kans., which has gone to Vietnam. They will be getting more men ready, and I think you will need them.

Mr. CARLSON. With respect to divisions that we had there, the 1st division—the Big Red One—has been in Vietnam for many months. A division is forming there at the present time in training.

But again, Mr. President, I wish to mention that the distinguished Senator from Mississippi [Mr. STENNIS] well remembers my interest in the post and my sincere expression of urgency to get action last year. The Senator suggested that I not take action then, but that it would be better to wait until this year. This has greatly improved the situation in Fort Riley, Kans. I am indebted to the Senator from Mississippi [Mr. STENNIS].

Mr. STENNIS. I thank the Senator.

Mr. President, I ask unanimous consent that the committee amendments to the pending bill be considered and agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to the order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments, agreed to en bloc, are as follows:

On page 2, at the beginning of line 7, to strike out "$146,406,000" and insert "$117,314,000".

On page 2, line 17, after the word "appropriation", to strike out "$126,227,000" and insert "$127,418,000".

On page 3, at the beginning of line 1, to strike out "$209,564,000" and insert "$208,643,000".

On page 4, line 22, after the word "law", to strike out "$511,196,000" and insert "$507,196,000".

On page 5, line 4, after the word "maintenance", to strike out "$128,287,000" and insert "$127,287,000".

On page 5, line 8, after the word "maintenance", to strike out "$74,434,000" and insert "$72,934,000".

On page 5, line 11, after the word "maintenance", to strike out "$136,882,000" and insert "$135,382,000".

Mr. MANSFIELD. Mr. President, will the Senator yield to me?

Mr. STENNIS. I yield.

Mr. MANSFIELD. I would like to ask a question. I must leave the floor shortly to meet with the minority leader.

Insofar as the request made by the Senators from Montana, Senator METCALF and myself, asking for appropriations for a dormitory, a heated garage, and a civil engineering facility at Malmstrom Air Force Base, at Great Falls, Mont., are those included in the bill?

Mr. STENNIS. They are included in the bill. They were found to be urgently needed, particularly in that climate, and particularly in view of the extraordinary added heavy load that has been placed on the Malmstrom Air Force Base, due to our missile program.

Malmstrom Air Force Base is one of our most important bases but, unfortunately, it has not been favored with an extensive construction program. These projects will go a step further in helping this situation.

Mr. MANSFIELD. If I recall correctly, the distinguished Senator from Mississippi [Mr. STENNIS] visited Malmstrom Air Force Base 5 or 6 years ago and had a chance to go over that base thoroughly. Therefore, he is well aware of the need for these facilities, especially the heated garage, because of the more than a million miles a year of trucking necessary to visit and maintain more than 150 missile sites now in operation and the 50 additional sites now under construction. Is that correct?

Mr. STENNIS. I have personal knowledge of the base. I have not been there since the actual missile installation was built, but I know that this mission greatly increases the base activity. I would recommend the utmost consideration be given by the Air Force for additional facilities at Malmstrom Air Force Base in addition to the items we have in the bill.

Mr. MANSFIELD. I thank the Senator from Mississippi. I am sure the Department of Defense, especially the Air Force, will read with keen interest this colloquy in the RECORD. It would be my hope that the advice just given by the distinguished Senator from Mississippi would be followed when the RECORD is read.

I thank the Senator.

Mr. STENNIS. I am glad to hear from the Senator from Montana.

Mr. President, if I may have the attention of the Senator from Oregon [Mr. MORSE], because I know he is interested in this, frequently when the bill comes up, as well as the authorization bill, there are several policy questions involved—that is, on the question of whether we go into construction for various items which present a policy question, such as new weapons, or policy questions on expansion of one of the services in a particular field.

Let me illustrate by stating that when we had the missiles, the ground-to-air missiles, the Hercules, it was finally stopped as a policy question through this very bill, but this bill, contrary to many years' practice, does not have any major policy decisions involved.

It is largely military construction of the necessary and the urgent kind. It does not branch out into the field of new policy except for $40 million. We considered that partly to be a policy question, and whatever was going to be done

we thought the money should come from other sources.

A few changes were made by the military with reference to their activities, but it boiled down to largely matters of opinion with reference to training and projects of that kind. We allowed the money in this bill for the upkeep of the many units which the services have in field of support housing. We did reduce the housing appropriation by $4 million because we found that they were still asking for money for the upkeep, maintenance, and repair of 8,500 new units which had not been built, but had been deferred by the Department of Defense. They were expecting to build them, perhaps when the money was asked for. The budget was made up last fall. It was officially requested in January, but the housing units have not been built. We found this item here and took it out of the bill. I expressed for the committee a keen regret and disappointment, too, that this item was not called directly to our attention during the presentation of the justifications. We found it only through the alertness of our fine clerk and assistant, Mr. Mike Rescroad.

Certainly, in handling a bill with the many hundreds of items contained in it, sometimes more than a thousand, the obligation is on the witness when proof is presented, to point out changes in the facts which would justify a reduction in the money, rather than merely to sit quietly and perhaps hope that they would not be discovered. We think it is not a question of showing the facts unless these matters are brought out. I can say that that is frequently done by Senators who present such such items to the committee, but it was not done in this case.

A word about the amount in the bill. The amount as reported by the committee is $986,518,000.

Mr. President, I shall be glad to try to answer any other questions that may be asked on this subject.

Mr. MORSE. Mr. President, did I correctly understand that the last figure was $1,004,413,000?

Mr. STENNIS. No. There must be an error somewhere.

Mr. MORSE. I just asked the Senator from Massachusetts [Mr. SALTONSTALL] what the figure was, and that is what he told me.

May I have the attention of the Senator from Massachusetts with respect to this figure?

Mr. SALTONSTALL. I am sorry; I misinformed the Senator from Oregon. The amount which the Senator from Mississippi has stated is correct.

Mr. STENNIS. The correct figure is $986,518,000.

Mr. MORSE. As soon as the Senator has finished, I shall take about 5 minutes to put my amplified remarks in the RECORD.

Mr. STENNIS. I shall conclude in a few minutes.

Mr. President, I present for the consideration of the Senate, the military construction appropriation bill, H.R. 17637, for fiscal year 1967 and the accompanying report No. 1695. I do not intend in presenting the bill to go into the detailed figures concerning each line item, for they are contained in the report which has been placed on the desk before each Senator.

The total of the military construction bill as reported by the Committee on Appropriations amounts to $986,518,000. This is a decrease of $32,822,000 from the amount of the bill as passed by the House of $1,019,340,000. The budget estimate for the 1967 military construction appropriation bill amounted to $1,114,947,000. The total bill as reported to the Senate is $128,429.000 under the budget estimate.

I wish to point out to my colleagues in the Senate that the Military Construction Subcommittee reviewed each project individually in the bill. Over 500 pages of testimony were taken in 5 days of hearings, and careful consideration was given to the projects approved for the bill and to the projects deleted from the bill.

ARMY

The committee approved an appropriation of $117,314,000 for construction within the Army exclusive of family housing which I will discuss under the family housing section. The largest request for the Army was for operation and training facilities amounting to approximately $45 million. The major item in this category was $33 million for construction of support of allied forces in Vietnam. The committee denied this request. Later in this presentation, I will discuss fully the reasons for denial of these funds. The remaining projects are for airfield improvement, communication facilities, and training facilities.

Research, development and test facilities was the next largest category amounting to $42,203,000. An important item approved was for the Nike–X research and development facilities at Kwajalein Island at approximately $31 million. Other items included a quality assurance laboratory at Edgewood Arsenal, alteration of buildings at Rock Island Arsenal, and improvement of facilities at White Sands Missile Range.

The appropriation for troop housing and community facilities amounted to $33,123,000. The major item in this category is $31,800,000 for barracks complexes at three stations. This amount will provide a total of 8,476 spaces for troop housing.

The committee approved approximately $5 million for utilities and ground improvement projects; namely, three electrical projects, five antipollution projects, two water projects, and five minor projects for roads. In the category of supply facilities, $965,000 was approved. These items were mainly for storage facilities inside the United States and overseas.

Finally, continuing authorization items, which are for planning and design of military construction projects and minor construction, were approved in the amount of $19 million.

NAVY

For military construction for the Active Forces for the Department of the Navy and Marine Corps, the committee approved an amount totaling $127,418,000. The Navy, indeed, had a very austere construction program for this fiscal year. For the Bureau of Ship Facilities, approval was given for approximately $13 million, consisting of 27 line items at 11 locations. The large portion of this money for the Bureau of Ship Facilities was for an improvement program for the ship repair and ship-building facilities of the Navy. Agreed upon was $1,371,000 for further development of the Atlantic Underseas Test and Evaluation Center on Andros Island in the Bahamas.

Projects for the fleet base facilities were approved amounting to $12,177,000. This class includes a total of 11 line items for improvements at 9 naval activities that provide direct support to the fleet. Included are various items for ship berthing, such as the replacement of a pier at the Naval Submarine Base, New London, Conn.; relocation of activities at Brooklyn and New Orleans for $2,200,000; five items totaling $5,795,000 for personnel support facilities; and an overseas classified item.

The committee approved approximately $47 million for Navy weapons facilities. This is the largest of the Navy's facilities classes, comprising six groups of air, ordnance, and research facilities, each of which supports a particular segment of naval aviation or naval ordnance. These groups are naval air training; field support of fleet operations; Marine Corps air stations, fleet readiness support; research, development, test, and evaluation; and overseas support of the fleet.

The Navy's request for service school projects amounted to $26,245,000. A large part of this sum was $14 million for the first increment to build a third recruit training center at Orlando, Fla. The rest of the money will be spent at Dam Neck, Va., Great Lakes, Ill., San Diego, Calif., and Pearl Harbor, Hawaii.

The Navy requested $5,518,000 for medical facilities and approximately all of this approved amount is for the construction of a naval hospital at New London, Conn.

The committee approved communications facilities in the amount of $6,343,000. A naval research laboratory at Point Barrow, Alaska, was approved in the amount of $3 million.

The last large amount approved for the Navy was $14 million for continuing authorization which is comprised of minor construction access roads, planning, and design funds.

AIR FORCE

The bill now before the Senate carries an approval of $208,643,000 for the active forces, Air Force. This amount is exclusive of family housing.

The committee approved approximately $38 million to support the operation of the strategic forces. The major share of this amount, $23,700,000, will be spent at Minuteman missile sites in a continuing program of improving the capabilities of these sites to withstand attack and in retrofitting the first missile silos built to accommodate the improved Minuteman II missile. There is also $7 million in the Strategic Forces

program directly in support of the announced force realinement and base consolidation. The balance of the Strategic Forces program of $7,800,000 includes money to alter the SAC Headquarters and for 25 projects of the Strategic Air Command bases for general operational, personnel, and community support facilities.

The committee has approved approximately $19 million for the continental air and missile defense segment of our national defense effort. Projects in this category range in location and complexity from airmen's dormitories in Alaska to the North American Air Defense Command, underground command posts in Colorado, from alteration of radar towers in Greenland to a satellite-tracking camera installation in the Pacific Ocean area. Also a substantial part of this category of projects includes approximately $3,500,000 for operational facilities, troop housing, and improvements to utility plants at various locations in the United States.

The Air Force this year has devoted approximately one-fourth of its entire request for this fiscal year to improvement of the general purpose forces. The committee has approved approximately $40 million in this bill which will give the general purpose forces a significant improvement in operational capability.

The committee has approved $9 million for the airlift forces. A large part of this amount is to provide operational maintenance and fueling facilities for the C–141 aircraft. The balance of the airlift program provides improvement to en route installations at Lajes Field in the Azores, living quarters at Wake Island, and the passenger terminal at Yokota Air Force Base, Japan.

Approximately 20 percent of the Air Force's request for funds amounting to $47 million is directed to support a wide variety of scientific investigations, applications, and tests conducted by and for the Air Force. The money in this request is apportioned among the following categories of installations—missile ranges, satellite tracking facilities, and test facilities.

The largest amount in the Air Force's request concerns the general support aspect of the Air Force operations. This amount is approximately $76 million. Approval of the aforementioned amount goes to support the logistical aspects of the Air Force, technical training, flight training, the Air Force Academy, and command support.

RESERVE FORCES

The committee approved the following amounts for the Reserve Forces:

Military construction, Army Reserve	0
Military construction, Army National Guard	0
Military construction, Navy Reserve	$5,400,000
Military construction, Air Force Reserve	3,600,000
Military construction, Air National Guard	9,400,000

The committee was disappointed in the Department of Defense decision to limit the construction funds in this year's budget for the Reserve Forces. Disappointment was especially registered by members of the committee over the lack of progress made by the Army Reserve and the Army National Guard in their construction program.

This lack of performance, testimony reveals, is largely due to delay occasioned by merger and realinement proposals by the Department of Defense. Notwithstanding the fact that the Congress has made its position clear on this subject, the Department of the Army and the Office of the Secretary of Defense have continued to deny the authority to proceed with this vitally needed construction. The need for nonarmory facilities, particularly at annual field training sites, has been a long and outstanding deficiency. The validity of these requirements is in no way influenced by any proposed realinement of the Army Reserve Force. A need for training at these locations will continue to exist. Testimony clearly indicated that valid and long-range requirements do exist and that lack of progress toward providing these facilities is due to Department of Defense imposed restrictions. Further it appears that an inequity exists in the manner in which the construction authorization is granted to the various services. While the Army projects, in order to qualify, must contribute to the war effort in southeast Asia, or be urgently required because of health, safety, or other compelling reasons, it appears that a more liberal application of this policy is exercised when applied to the Navy and Air Reserve Forces, for example. The need for projects in the Reserve Forces to contribute to the war effort in southeast Asia is not considered to be a justifiable or realistic criterion.

DEFENSE AGENCIES

The committee has approved an appropriation of $7,547,000 for military construction, defense agencies. The amount is the same as that requested in the budget.

FAMILY HOUSING

The budget estimate for family housing included funds for operation and maintenance of family housing units, debt payments, and leasing of family units in the amount of $521,900,000. In this year's construction program, funds were not requested for the construction of new houses. Eight thousand five hundred houses appropriated for in the fiscal year 1966 military construction program are still held on the deferred list by the Secretary of Defense. The House Appropriations Committee reduced the housing allowance by $10,704,000 below the Department of Defense request. This reduction was a result of the authorization passed by the Congress which reduced the number of houses to be leased. The committee, in going over the estimates for operation and maintenance, found that the deferred fiscal year 1966 program of 8,500 houses was included in the maintenance and operations figures for fiscal year 1967. Thus the committee recommends a reduction of $4 million in the housing operation and maintenance fund.

MILITARY CONSTRUCTION IN SOUTH VIETNAM FOR OTHER THAN UNITED STATES FORCES

The committee deleted $40,100,000 for construction in support of Allied forces in South Vietnam. This amount was included in three military construction appropriations as follows: Army $33 million; Navy $1,400,000; Air Force $5,700,000. It is my understanding that such costs were previously included in the military assistance program estimate.

The information submitted in support of these requests and testimony presented during the hearings indicate a rather uncertain plan of what is to be constructed in support of these forces. Furthermore, there was no information presented as to what contributions the allied forces are making to construct their own facilities. After extensive deliberation, the committee arrived at a conclusion that it cannot in good conscience insist on detailed information and justification for the need to the military service and then take a counteraction to approve a blank check appropriation of $40,100,000 for support of construction projects of foreign nations without adequate justification or details of what is to be built. It is the opinion of the committee that the Secretary of Defense could have asked that this money be appropriated in the military assistance bill.

The committee has information that the Department of Defense has approximately $100 million remaining of a blanket appropriation made for such emergencies in the supplemental bill for fiscal year 1966, Public Law 89–374, March 15, 1966.

FUEL CONVERSION IN ALASKA

The committee was faced with a very controversial problem in considering the proposed fuel conversion from coal to gas at Fort Richardson and Elmendorf Air Force Base submitted in the revised estimate of September 23 after completion of authorization action by the Congress. The committee conducted extensive hearings and reviewed in detail documents submitted by various interests. Although the projects would result in savings in military operating costs, the committee is not satisfied that all aspects of the total problem, including the economic impact on the Alaska economy and the Alaska Railroad, were thoroughly explored. Of special note was a letter from the Secretary of the Interior indicating a willingness "to undertake a study of the economic gain and losses to be expected by the proposed conversion." Members of the committee have taken the position that the Department of Defense and the Department of the Interior should undertake a study of all pertinent aspects of the proposal and submit recommendations with the fiscal year 1968 appropriations requests to the Congress.

Let me say for the information of the Senate, especially of Senators who may look for items in which they are personally interested, that the items do not appear by name in the bill itself—this is an appropriation bill—but they appear in

the report, which is just as effective, under the circumstances, as if they were written into the bill.

Mr. President, this concludes my summary of the bill. I shall now be glad to answer any questions concerning the committee's action and to explain any additions or deletions which may have been made.

Mr. President, I ask unanimous consent that there be included in the RECORD a comparative statement of the appropriations for fiscal 1966 and the estimates and amounts recommended in the bill for fiscal 1967.

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

Comparative statement of appropriations for fiscal year 1966, and the estimates and amounts recommended in the bill for fiscal year 1967

Item	Appropriations, 1966	Budget estimate, 1967	Recommended in House bill, 1967	Amount recommended by Senate committee	Increase (+) or decrease (−), Senate bill compared with—		
					Appropriations, 1966	Budget estimate, 1967	House bill
Military construction, Army	$833,143,000	$190,600,000	$146,406,000	$117,314,000	$715,829,000	−$73,286,000	−$29,092,000
Military construction, Navy	570,905,000	133,600,000	126,227,000	127,418,000	−443,487,000	−6,182,000	+1,191,000
Military construction, Air Force	622,373,000	242,900,000	209,564,000	208,643,000	−413,730,000	−34,257,000	−921,000
Military construction, Defense Agencies [1]	269,268,000	7,547,000	7,547,000	7,547,000	−261,721,000		
Military construction, Naval Reserve	9,500,000	5,400,000	5,400,000	5,400,000	−4,100,000		
Military construction, Air Force Reserve	4,000,000	3,600,000	3,600,000	3,600,000	−400,000		
Military construction, Army National Guard	10,000,000				−10,000,000		
Military construction, Air National Guard	10,000,000	9,400,000	9,400,000	9,400,000	−600,000		
Total, military construction	2,329,189,000	593,047,000	508,144,000	479,322,000	−1,849,867,000	−113,725,000	−28,822,000
Family housing, Army: Operation, maintenance, and debt payment	220,494,000	178,907,000	175,633,000	174,633,000	−45,861,000	−4,274,000	−1,000,000
Family housing, Navy and Marine Corps: Operation, maintenance, and debt payment	162,674,000	110,524,000	105,298,000	103,798,000	−58,876,000	−6,726,000	−1,500,000
Family housing, Air Force: Operation, maintenance, and debt payment	279,983,000	228,114,000	225,910,000	224,410,000	−55,573,000	−3,704,000	−1,500,000
Family housing, Defense Agencies: Operation, maintenance, and debt payment	2,695,000	4,355,000	4,355,000	4,355,000	+1,660,000		
Total family housing	665,846,000	521,900,000	511,196,000	507,196,000	−158,650,000	−14,704,000	−4,000,000
Total	2,995,035,000	1,114,947,000	1,019,340,000	986,518,000	−2,008,517,000	−128,429,000	−32,822,000

[1] Includes $5,000,000 for loran stations.

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

Mr. STENNIS. I yield.

Mr. DOMINICK. I appreciate the very fine work which the Senator from Mississippi has done on this particular bill. I should like to ask a question and make a brief comment on the NORAD situation, which has a new commander, General Reeves. A magnificent job has been achieved in the short time that he has been there. I wonder whether the appropriation which has been made for construction for NORAD, of a little over $3.5 million, will complete the construction of the NORAD installation there?

Mr. STENNIS. Yes. NORAD has been under construction, as the Senator knows, for a long time. It is one of our very finest installations. This is thought to be the amount necessary to complete not only the construction but also to take care of some of the small items that are necessary as a part of the complete construction.

Mr. DOMINICK. I thank the Senator from Mississippi. I am happy to hear it. The installation itself is quite a feat and of vast importance to the defense of this country.

Mr. STENNIS. I heartily agree with the Senator. The Senator and his colleague from Colorado have certainly given their solid support, and very effective support, over the years to this matter. I am glad to see that it is being completed and ready for service.

Mr. SALTONSTALL. Mr. President, will the Senator from Mississippi yield briefly?

Mr. STENNIS. I am glad to yield to the Senator from Massachusetts, who has done so much of the work over the years on this bill. He has worked on this bill and similar bills over many years.

Mr. SALTONSTALL. I appreciate it when the Senator from Mississippi says that, because he bears the heavy responsibility. It is a pleasure to work with him because he is so conscientious and thorough in all his endeavors.

Mr. President, my own feeling is that three things have been accomplished this year in military construction.

First, we eliminated the $40 million. Figures are included for Vietnam which really were not for the construction effort—or the greater part of it was not.

Second, all new housing was eliminated by the administration before the budget was submitted, and we felt that the maintenance and operation of housing could be reduced—I think it was by $1 million in each account.

Third, we eliminated items which we felt were not absolutely essential for the proper use of and the testing of new instruments such as missiles, airdrops, and so forth, which could not be accomplished without certain military construction.

Thus, in broad language, the operations were covered by the bill as we reported it.

There were certain items that the administration left out of its own free will. The House put in a few items, and the Senate put in a few items. But the net result was a reduction to $986,518,000.

I thank the Senator from Mississippi for taking the leadership in following the request of the administration to keep expenses down as much as possible.

One of our main thoughts in considering the bill was to make sure that we gave the military what was needed, but not more than what was needed, even if requested.

Mr. STENNIS. Yes, that is what we did. Our purpose was to serve the needs of the military services, but not to go further.

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

Mr. STENNIS. I yield to the Senator from South Carolina, who has worked diligently on the bill and provided a great deal of help.

Mr. THURMOND. I commend the Senator from Mississippi for the fine leadership which he has given in this bill. I feel it is a good bill. It takes care of the situation with respect to our needs in this country and in other parts of the world where we have military construction in process.

I also wish to commend the senior member of the committee on the Republican side, the Senator from Massachusetts [Mr. SALTONSTALL], for the outstanding leadership he has shown in respect to this bill.

Mr. STENNIS. I thank the Senator from South Carolina.

I yield to the Senator from Oregon, or, if he wishes, I am ready to yield the floor.

Mr. MORSE. Mr. President, I shall be brief, but I wish to speak in my own right.

At the outset of my brief remarks, I highly commend the Senator from Mississippi [Mr. STENNIS] and also the Senator from Massachusetts [Mr. SALTONSTALL] for their dedicated service to the Senate in handling this bill. I do not want anything I say to be taken as detracting from their dedicated service and their obligations and their point of view. The fact that I shall go on record against the bill this afternoon is in no way to be taken as a reflection on the proponents of the bill and their dedication to the interests of their country as they see those interests.

This is a bill which calls for $986,518,000 in additional money for additional military construction. The matter of military policy cannot be separated from a construction bill. The Senator from Mississippi has pointed out that military policy is not involved as policy in the bill,

but it is there, in every brick and ounce of mortar that will be involved in the construction.

What concerns the Senator from Oregon, and what explains a part of my unalterable opposition to the undeclared war in Southeast Asia, and to our getting involved in a war that is resulting in increasing casualties—is that it raises a question of where the United States is going militarily. We are the only country in the world that has spread around this globe hundreds of thousands of American military personnel. We are the only country in the world that has foreign military bases and foreign military personnel in anywhere near the amount or numbers that we have.

Once again I warn the American people that they are on the way to a military state if they do not start harnessing the military in this country. We cannot expect to be the unilateral military policeman of the world. We have neither the manpower nor the economic resources to do it.

They should ask themselves what is happening to us around the world. The people of the world recognize the singular position that the United States has moved itself into. We have taken over the interests of the British Empire. We have taken over the former interests of the French. We have taken over what other imperialistic military countries have learned they could not do. We have yet to learn the lesson. They learned that they could not long maintain a position of military dominance over any of the underdeveloped areas of the world. We will learn it in Asia. We will discover that we cannot maintain a position of military domination in any part of Asia for any length of time.

We have no moral right and no international law right to set ourselves up to maintain a military dominating position anywhere in Asia, or Africa, or Latin America, or elsewhere in the world.

I am not sure there will be a rollcall vote on the bill, but let the RECORD show that if there were, I would vote against it, not because of any personal differences with the Senator from Mississippi [Mr. STENNIS] or the Senator from Massachusetts [Mr. SALTONSTALL] with regard to the duties they have performed, but because I think American military policy is wrong.

The United States is the only member of NATO that has fulfilled its commitments under NATO. Not another single member of NATO, from the beginning of NATO to the moment I speak, has totally fulfilled its manpower commitment under NATO. We are the only nation that has done so. Not even West Germany has done so. Yet, when a proposal is made, under the leadership of the majority leader [Mr. MANSFIELD], that we call back some of those 400,000 troops and dependents under NATO, we are told that we are threatening the security of the United States. That is a lot of nonsense.

The American taxpayers are entitled to have us diminish these tremendous military outlays. We cannot justify this bill, which provides for almost $1 billion. Remember that the military budget at the present time is more than $58 billion. This Republic cannot justify a military budget of $58 billion, as country after country around the world walks out on us and as we find ourselves more and more isolated around the world because of the growing fear of millions of people around the world of the military power and might of the United States.

Great empires in the past thought they could substitute military might for a humanitarian course of action that would uplift the civilization of downtrodden people.

I am greatly concerned about the expanding power of the military in American military policy. So I repeat this afternoon what I have said before in my criticism of this administration for its inexcusable undeclared war in Vietnam. It should declare a war to continue what it is doing. The reason it does not declare war is that we would have great difficulty getting others to accept the declaration of that war. That is why the other day, when we had before us the new President's appointment as Ambassador to Russia, I asked him what he thought the difficulties would be if we declared a blockade of Vietnam. There are many in the Pentagon who are advising a blockade of Vietnam. A blockade is no better than its enforcibility, and a blockade is itself an act of war. If you attempt to enforce the blockade against a country that refuses to respect it, you are at war with that country.

That is why I asked the American Ambassador to Russia, when he was up for nomination before our committee, what he thought the situation would be between the United States and Russia if we blockaded North Vietnam and Russia sought to go through. He left no room for doubt that Russia would never lower her flag to the United States, and Russia would go through or we would sink her ships; and when we started sinking her ships we would be in war with Russia.

That war would not be fought in Asia at all; it would be fought in New York City, in Washington, D.C., in Chicago, in Detroit, in Portland, in San Francisco, in Moscow, and in Leningrad, if the two great nuclear giants went to war, destroying each other.

Oh, I know many like to wave the flag into tatters, but let me say, these are the critical days that the American people ought to give some thought to the question, Where are we going militarily? In my judgment, we are headed straight to world war III, and the United States is leading the parade. We are leading the parade. We are leading the parade because of the shocking emphasis, in this Republic, on the military. We ought to reduce our military installations and the number of people in uniform; for they are not leading us to peace. I say that this great emphasis on the American military plays right into the hands of the Communists, for it is making Communists by the hundreds of thousands in the underdeveloped areas of the world, across Asia, throughout Africa, and in Latin America.

As chairman of the Subcommittee on Latin American Affairs, I have urged a cutback on military aid to Latin America. I would vote for $3 in economic aid for every dollar we vote to give to Latin American juntas and dictators, by military power, to keep their people subjugated and oppressed. Our military aid is one of the several causes for our following too many times a very sorry policy in Latin America—that when the chips of freedom are down, the United States walks out on freedom and supports dictators. That strengthens communism, not freedom.

That is the outline, as my fellow Senators well know, of my general philosophy in regard to the course we are following militarily. I am afraid of the military being given the power it is being given in American foreign policy; and although it is true that this is construction money, you have to have the construction to implement the policy. You cannot send increasing thousands of troops abroad if you do not expand facilities for them.

My President frequently says, at various meetings, "We seek no permanent military installations abroad." That is an unbelievable contention, when we spend billions of dollars for permanent installations. Is he trying to tell the American people that we will pour the billions into them and then walk out? I should like to have some evidence that we are going to change that course of action.

So we have provided here construction money to expand our facilities in Ascension Island, Australia, the Azores, the Bahamas, the Bonin Islands, the British West Indies, Canada, the Canal Zone, Cuba, Germany, Greece, Greenland, Guam, Iceland, Italy, Japan, Johnston Island, Korea—Mr. President, I ask unanimous consent, without taking more time, to have the entire list of installations shown on pages 29 to 31, inclusive, of the committee report, printed in the RECORD, at this point.

There being no objection, the excerpt from the report (No. 1669) was ordered to be printed in the RECORD, as follows:

Military construction appropriations, 1967—Outside United States

Installation	*Thousands*
Ascension Island: Air Force: Ascension AS	$1,146
Australia: Navy: NCS, North West Cape	708
Azores: Air Force: Lajes Field	396
Bahamas: Navy: AUTEC, Andros Island	1,371
Bonin Islands: Navy: NF Chichi Jima	204
British West Indies: Air Force: Antigua AS	46
Canada: Air Force: Goose AB	1,255
Canal Zone:	
Army: Panama area	2,011
Air Force: Howard AB, Balboa	1,244
Total	3,255
Cuba:	
Navy:	
NAS Guantánamo	2,333
NH, Guantánamo	279
Total	2,612

Military construction appropriations, 1967—Outside United States—Continued

Installation	Thousands
Germany:	
Air Force:	
Bitburg AB, Bitburg	$275
Hahn AB, Lautzenhausen	449
Ramstein AB, Ramstein	538
Rhein Main, Frankfurt	548
Subtotal	1,810
OSD: NSA-joint operations support activity, Frankfurt	400
Total	2,210
Greece: Navy: NCS, Nea Makri	363
Greenland: Air Force: Thule AB	238
Guam:	
Navy: NAS, Agana MI	159
Air Force: Andersen AFB	22
Total	181
Iceland: Navy: NS, Keflavik	203
Italy: Navy: NAF, Naples	37
Japan:	
Navy:	
NRS, Totsuka	576
NAS, Atsugi	500
Subtotal	1,076
Air Force:	
Misawa AB, Misawa	331
Yokota AB, Fussa Machi	739
Subtotal	1,070
Total	------
Johnston Island: OSD DASA, Johnston Island AFB	1,750
Korea:	
Air Force:	
Kimpo AB, Seoul	400
Kunsan AB, Kunsan	382
Total	782
Kwajalein Island: Army: Various locations	31,333
Okinawa:	
Army: Various Locations	619
Navy: Camp Smedley D. Butler	1,056
Air Force:	
Kadena AB, Koza	1,525
Naha AB, Naha	305
Subtotal	1,830
Total	3,505
Philippines:	
Navy:	
NAS, Cubi Point	530
NCS, San Miguel	476
Subtotal	1,006
Air Force: Clark AB, Angeles	571
Total	1,577
Puerto Rico:	
Navy:	
NS, Roosevelt Roads	1,167
Air Force: Ramey Air Force Base, Acquadillo	63
Total	1,230
Spain: Air Force: Torrejon Airbase, Madrid	48
Turkey: Air Force: Diyarbakir CST	1,363
Wake Island: Air Force: Wake Island, Agana	90

Military construction appropriation, 1967—Outside United States—Continued

Installation	Thousands
Various locations:	
Army:	
Strat Command	$208
Army Security Agency	1,970
Subtotal	2,178
Navy: AUTODIN	715
Air Force:	
PAF	3,059
Security Service	1,123
Subtotal	5,952
Total	4,932
Total outside United States (excluding classified projects):	
Army	36,141
Navy	10,677
Air Force	15,033
OSD	2,150
Total	64,001

Mr. MORSE. The list includes Turkey, Wake Island, and other locations; and each of the items represents an expansion of the military construction program.

I close, Mr. President, by simply saying I think we should not handle this military appropriation segment by segment. I think what we need is a thorough examination of the totality of our military appropriations and the policies underlying them. Until this administration changes the course of action it is following in American foreign policy and the course of action it is following in South Vietnam, in what I consider to be an immoral, unjustifiable, illegal war, in which we are sending young American men to their deaths—in my opinion without the slightest justification—I shall continue to vote against appropriations that, in my judgment, provide the facilities and the weapons that kill American boys who should not be fighting anywhere in the world.

Mr. STENNIS. Mr. President, with the greatest deference to the Senator from Oregon on the points that he has made, they are points that have been debated pro and con on the floor of the Senate several times this year; in the debates the Senator from Oregon has taken part and in some I have taken part. I appreciate the Senator's sincerity; the fact that I do not attempt to answer him now certainly implies no discourtesy to him. But I believe that further debate on the matter at some other time would fit the occasion better.

Mr. BREWSTER. Mr. President, during the many months of deliberation on the authorization and appropriation for military construction projects for fiscal year 1967, I have consistently questioned the Navy plans for the establishment of a third recruit training center. In so doing, I have been joined by a number of colleagues from the House of Representatives.

None of us has ever questioned the need for this new facility. What we have objected to is the apparent Department of Defense preference for a location at Orlando, Fla., rather than at the previous site for recruit training on the east coast, Bainbridge, Md.

I am pleased that both the House and Senate committees have seen fit not to endorse a specific site for the new center, but to require further study of this matter and further report to the Congress before construction commences.

I think that the record—the legislative history—should show the unusual and confused gyrations which accompanied, first Navy, and then DOD announcement of their original intentions regarding the Third Recruit Training Center and the future at Bainbridge.

Mr. President, one of our prime military installations in Maryland is the naval training station at Bainbridge. This facility has a proud history of contribution to our national defense. During World War II, Bainbridge operated at capacity as the major naval recruit training center on the east coast. It continues to function today as the site of the Naval Reserve Manpower Center, the home of a wide variety of enlisted and officer schools, and the location of recruit training for enlisted Waves.

It has been my custom as a Senator from Maryland and a member of the Senate Armed Services Committee to make periodic inspection tours of the military facilities in my State. During my visit there last fall, I received a detailed briefing by Navy officials on their plans to reactivate the enlisted men's recruit training activity at Bainbridge to provide for the berthing, messing, and training of approximately 8,000 recruits.

In making their presentation, the Navy emphasized the many advantages of the Bainbridge location for the new center. They pointed out that Bainbridge was superior to any other location because it was:

First. In close proximity to the major concentration of population in the Boston-Washington megalopolis from which the majority of recruits were drawn;

Second. In close proximity to the destination for so many recruits—the naval base at Norfolk.

Both of these facts promised very real savings in transportation costs to the Government and to the recruit when taking leave.

Third. Bainbridge was also considered superior for reasons of its proximity to major routes of transportation; yet its general remoteness from casual visitation;

Fourth. The Navy said that the Navy could expect to benefit in terms of economics and efficiency from having a one-stop training facility with recruit training and the enlisted advance schools located on the same base.

These statements were in accordance with the testimony given by Navy officials on April 14, 1965, before the House Committee on Appropriations. Testimony at that time revealed that facilities at Great Lakes and San Diego were overcrowded and that a third recruit training center was required at Bain-

bridge. They testified that they had studied and made visits to a number of installations which were closed, or had the prospect of being closed, and that none of them was as acceptable as Bainbridge.

Orlando was among those installations visited. The Navy took the position that Orlando was unsuitable as a naval training center, and that "Bainbridge is very definitely hard core, it is in the right place, and we want to bring it up to date so that it will compare favorably with both Great Lakes and San Diego."

At the time of my briefing by Bainbridge officials, I was authorized to release the Navy plans for Bainbridge expansion to the local and national press. It is my understanding that this authorization was granted in Washington.

In view of all that had gone before, it came as a great surprise to me and to all the other members of the Maryland delegation when the Department of Defense denied that Bainbridge had been chosen as the site for the new center and subsequently came before the Congress in January of this year with a request for authorization for the new center at Orlando, Fla.

Members of the Maryland delegation have formally opposed both the authorization and appropriation of funds for this purpose. Our opposition has been based on arguments which are contained in a delegation letter addressed to the President on May 11, 1966. I should like to ask that it be printed in its entirety in the record of these hearings.

Mr. President, the final chapter in this story has only recently been written. At a meeting several months ago, Senator TYDINGS and I were informed by Secretaries Nitze and Baldwin that the Navy now envisioned the total transfer of all present Bainbridge training activities to Orlando. This was estimated to involve 4,000 personnel.

Mr. President, it would mean more than that. It would mean the abandonment of extensive facilities for which this committee and the Congress has approved vast sums in past years.

Let me cite a specific and glaring example of the waste of taxpayers' money which is involved in this plan. In January 1964 the Navy came to the Congress with a request for $1,091,000 for the construction of a modern barracks building for the 500 WAVES who are continually undergoing recruit training at Bainbridge.

The Congress recognized the deteriorating and dangerous condition of the WAVES accommodations at that time and appropriated the necessary funds. Contracts were let in the summer of 1965 and today the barracks are on the verge of completion. They are scheduled for occupancy on November 1. It is my understanding that the total final cost will have been $1,228,150.

Mr. President, it is shocking to me to learn that after this vast expenditure, and before one Wave has spent one night in the new facilities, the Navy has laid plans to remove all WAVES from Bainbridge training.

Mr. President, I look forward to reading the report on the site selection for the new training center which is required by this legislation. I also believe that the callous disregard for the intent of the Congress and the money of the taxpayers which is reflected in the Wave barracks project deserves the careful scrutiny of the Congress.

Mr. STENNIS. Mr. President, if there are no amendments to be proposed, may we have the third reading?

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

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

The bill (H.R. 17637) was ordered to a third reading, was read the third time, and passed.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Senators STENNIS, PROXMIRE, YARBOROUGH, SYMINGTON (ex officio), and SALTONSTALL conferees on the part of the Senate.

Mr. STENNIS. Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, responsibility for the Senate's swift acceptance of the military construction appropriations measure rests primarily with the distinguished junior Senator from Mississippi [Mr. STENNIS]. His articulate, persuasive presentation joined with his strong and diligent support made prompt and efficient Senate approval a certainty. This success adds just another to the already abundant list of achievements compiled by Senator STENNIS.

As is usually the case, however, the support and cooperation of many Senators is required to accomplish success of this magnitude; particularly with the smooth order displayed on the passage of this measure. I wish, therefore, to extend our gratitude to the senior Senator from Massachusetts [Mr. SALTONSTALL], to the senior Senator from Kansas [Mr. CARLSON], and to the senior Senator from South Carolina [Mr. THURMOND]. These three Senators and others joined with their typical outstanding skill, their strong advocacy and cooperation to obtain this triumph.

Moreover, the senior Senator from Oregon [Mr. MORSE] is to be commended for again applying his unmatched capacities to get things done in proper fashion by cooperating fully to assure the disposition of this measure today. And to the Senate, finally, goes my thanks for helping again to make an adjournment sine die still possible.

AMERICA'S FALSE SUPPOSITIONS IN VIETNAM

Mr. MORSE. Mr. President, the Senator from Oregon confesses a great embarrassment, due to a slip-up involving an insertion in the RECORD that I offered, together with a considerable amount of other material, last May. My attention has just been called to the fact that last May when I asked unanimous consent to have printed in the RECORD several items, one of those items either was not in the package or in some way was misplaced, and never got to the printer.

I thought all the time that it was printed in the RECORD. The CONGRESSIONAL RECORD will show that I praised highly a speech that was made in Portland, Oreg., on Sunday, May 8, 1966, by Mr. Robert Vaughn, on the subject "America's False Suppositions in Vietnam."

Mr. Vaughn, who, we all know, is a very brilliant television star in the television program "The Man from U.N.C.L.E.," has for a long time spoken in this country in opposition to our war policy in Vietnam.

On May 8, 1966, I introduced Robert Vaughn to a political audience in Portland, Oreg., and he made what I think is one of the best analyses of the war in Vietnam and the unsound American policy in Vietnam that I have ever read. I praised that speech highly on the floor of the Senate months ago.

I now ask unanimous consent that Mr. Robert Vaughn's speech be printed at this point in the RECORD.

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

AMERICA'S FALSE SUPPOSITIONS IN VIETNAM

(A speech delivered by Robert Vaughn, on behalf of the Democratic nomination of Howard Morgan for U.S. Senator from Oregon, Sunday, May 8, 1966, Portland, Oreg.)

This visit to Oregon is a twice blessed event for this California itinerant. Initially, this trip to your beautiful state is my first, and the wonders of stream and field, of timber and rye grass are all I had anticipated. My own youth was spent in the not dissimilar topography of Minnesota, and it is always pleasant to rekindle the images of boyhood. Second, I would be most derelict to my personal credo if I missed the opportunity to share the dais with a man who emerges more clearly each day as the conscience of the Republic and the almost total monopolizer of political guts in the United States Senate—WAYNE MORSE.

I come to Portland today to support Howard Morgan, a man who when he takes his seat in the world's greatest deliberative body of men, can be entrusted to give his untiring efforts to end the illegal, immoral, bloody, dirty war in Vietnam.

Lecturing at Johns Hopkins University School for Advanced International Studies, Chairman of the Foreign Relations Committee Senator WILLIAM FULBRIGHT remarked, "Past experience provides little basis for confidence that reason can prevail in an atmosphere of mounting war fever. . . . . .The longer the Vietnamese war goes on without

prospect of victory or negotiated peace, the war fever will rise, hopes will give way to fears, and tolerance and freedom will give way to a false and strident patriotism.

Unless the Senate is a forum for challenging the President, Senator FULBRIGHT said, "The campuses and streets and public squares of America are likely to become forums of direct and disorderly democracy.

"Nor should the Senate allow itself to be easily swayed by executive pleas for urgency and unanimity, or by allegations of aid and comfort to the enemies made by officials whose concern may be heightened by a distaste for criticism directed at themselves."

Each individual Senator must decide whether he will express his views about the administration in the darkness of the Senate cloakroom or in the harsh glare of the public forum. I believe Howard Morgan will not stand his political posture in a Washington cloakroom.

I have just returned from a one month tour of 7 countries in Europe. In the capitals of England, Denmark, Sweden, Finland and Germany I had the opportunity to talk with students and cabinet ministers, workers and artists, and without exception the only question posed to me in all instances was when are we going to stop interfering in Vietnam.

Since our right to be in Vietnam, and our reasons for initially involving ourselves in this tragic Southeast Asia holocaust, and further, our objectives in remaining there are the overriding issue between the candidates in this primary, I would like to take this opportunity to explain why I believe Howard Morgan is the man to represent Oregon in the United States Senate. Let us briefly run through the false suppositions tendered by the administration to support the blunder of the Vietnam involvement.

1. The United States has a "commitment" to South Vietnam. The Seato Treaty is the first of sundry supportives to the alleged "commitment." The treaty was signed in Manila in 1954, after the Geneva Conference ended the Indo China War. It was devised by John Foster Dulles and based on the supposition that since the French had been defeated, the Chinese would commit aggression in all of Southeast Asia, each country falling as dominos.

Although 7 Southeast Asian countries were invited to join the pact, only 3 showed up, and shortly thereafter Pakistan bowed out leaving only Thailand and the Philippines, who were dependent on United States support in the first place.

If there was any commitment by any of the SEATO signatories to go to war in Southeast Asia, it was a commitment to resist aggression and not that any of its individual members should butt into somebody elses war. President Eisenhower made no commitment to a land war in Asia. Quite the contrary. Eisenhower along with Generals MacArthur, Gavin, Ridgway and Bradley, advised wholeheartedly against such action.

The so-called commitment of the Tonkin Gulf resolution of August 1964, was an act of Congress out of respect to the President, and not a specific authorization for a full scale land war. Chairman FULBRIGHT has had the courage to admit publicly since that time that he deeply regrets his hasty rubberstamping of the Tonkin Resolution.

Even if there were a commitment made, and there appears no record of such, who was it made to. The Government of South Vietnam? As Professor Hans Morgenthau reminds us: "First of all one should not overlook the fact that it was we who installed the first government in Saigon, the Diem government." We created South Vietnam where previously there had only been Vietnam. Thus we contracted and committed with ourselves.

2. A second false supposition is: Had we not intervened, Vietnam could have been another appeasement at Munich. Nazism was a chauvinistic-militaristic system headed by a madman. When the military power of Fascism was crushed and Hitler dispatched to the flames of his bunker the system was broken. Communism is an ideology, and that is not something you can shoot with guns or burn with napalm. Wars of "national liberation" are inspired by the philosophy of socialism and when people feel they can get some decent things out of life, food, land, housing, education, wealth, by struggling for them they are not likely to be thwarted by threats of murder with military force. The Vietnamese people have fought the French, Japanese and Americans for 30 years and show no signs of giving in today.

3. China is the real enemy and if the United States didn't wage war in Vietnam, the domino theory would prevail instantaneously. China has not one soldier outside of her boundaries. Hanoi has had a Communist Government for a dozen years and China has not taken over. The Burma and India confrontations with China were border disputes based on British colonial maps delineating frontiers. Chiang Kai Shek openly supported Peking in the border dispute with India and he also supported the Chinese occupation of Tibet. When Chiang was ruler of China he talked of Tibet as part of China. The Rand Corporation study entitled "China Crosses the Yalu" defends China's entry into the Korean War as a "rationally motivated" defense of its power plants which fed electricity to the Chinese factories in Manchuria. Thus the record shows no "aggression" of any kind by the Chinese to date. This is not to say that in the future China may not one day dominate Asia, one way or another. In the meantime, it would seem reasonable to open diplomatic relations with this "aggressor" and thereby give the United Nations an opportunity to judge the right or wrong of any future Chinese expansionism.

4. North Vietnam is committing aggression against South Vietnam. The New Republic has stated editorially that, "Before it became necessary to deny the existence of a civil war in South Vietnam, American military men admitted that 80 percent of the Vietcong's weapons were unwittingly supplied by the United States by loss, theft or sale by enterprising South Vietnamese. Thus, we have the supposition by the Administration that the war in South Vietnam is an effort by North Vietnam to oppress the free people of the South. The evidence, however, tends to support the conclusion that the Vietcong war effort began as a rebellion against an oppressive and hated government in Saigon. A government we support today as we did when we installed Diem. A government whose Premier, General Nguyen Cao Ky, when interviewed by the London Sunday Mirror, July 4, 1965, said, "People asked me who my heroes are. I have only one. Hitler." That is the man who was embraced at the Honolulu Conference as the leader of the freedom loving people of South Vietnam.

5. Lastly, the war in Vietnam can be a limited war. As each day passes more troops pour into this ravaged land. Where do they come from? America, with only the most nominal token support from our Allies. The B52s daily assault the North and Phantom 4-F American jets at speeds of 1500 miles an hour engage in dogfights thirty miles from the Chinese border.

The slightest miscalculation at speeds twice the rate of sound can send the air war into the Chinese heavens. The "hawks" are advocating "no sanctuary" for Migs who may retreat behind the Chinese border; which means the policy of "hot pursuit" may see us following the enemy back to bases on the Chinese mainland. And as Senator ROBERT KENNEDY suggests "no sanctuary" works both ways. Migs returning the fight can pursue American aircraft to 7th Fleet points of embarkation, plus South into Vietnam and West to the Pacific. And if provocation becomes untenable on either side, war with China will be the result. And no one can foretell accurately that Russia will not come to the defense of her one time ally. And then the final solution—nuclear genocide of the human race.

Although the grave doubts about our Vietnam policy raised here are shared by Senators, diplomats and scholars, whose experience and judgment entitle them to our serious consideration in this life-and-death discussion, Howard Morgan's opponent acknowledges neither doubt nor attention to their views. What has Howard Morgan said about our involvement in Vietnam?

"The record has persuaded me that our initial involvement in a land war in Southeast Asia was a tragic mistake.

"I shall work to support our fighting men with everything they need to see them through this ordeal safely. But I shall also seek and use every responsible means of disengaging them honorably from a land war in Asia, which General Omar Bradley has described as 'the wrong war, at the wrong time, in the wrong place, against the wrong enemy.'

"If our involvement in this was a mistake, as I am persuaded that it was, then we must recognize that in military affairs, even more urgently than in the affairs of business and government, the first thing to do with a mistake is to liquidate it as quickly and honorably as possible. And the second thing to do is to prevent its repetition.

We have been engaged for twelve years on the losing side of a civil war affecting all of Vietnam. Will we now also fight on the losing side of a civil war within a civil war in South Vietnam? Will we declare war against any new government in South Vietnam in order to prevent that government from asking us to leave? Or will we simply escalate the war into a holocaust with Red China in order to mask the smaller blunders we have already made? That is exactly what General Ky has asked us to do."

What changes in U.S. policy might contribute to a settlement of the Vietnamese war. Howard Morgan has stated that he supports the steps outlined by Senator J. W. FULBRIGHT to try to end the war in Vietnam.

1. "We (must) state explicitly and forthrightly that we recognize the Vietcong as a belligerent with whom we are prepared to negotiate peace, and further that we will use our considerable powers of persuasion in Saigon to induce the South Vietnamese government which has said it will not negotiate with the Viet Cong to change its mind and indicate its willingness to do so."

2. "We (must) state forthrightly and explicitly in advance of negotiations that we are prepared to conclude a peace agreement providing for an internationally supervised election to determine the future of South Vietnam and, further, that we are prepared to accept the outcome of such an election, whatever that outcome might be."

3. "We (must) use all available channels to persuade the North Vietnamese and the Viet Cong that, whatever the future political complexion of Vietnam, Communist or non-Communist, united or divided, it can enjoy a secure and independent existence and normal relations with the United States as long as it respects the independence of its neighbors and as long as it upholds its own independence from China."

These statements by Howard Morgan are my reason for coming to Oregon today. It is my belief that we cannot stop the spread of Communism by sacrificing the principles of Democracy. However, this is precisely what was done when Diem supported by the United States, suppressed the free election guaranteed to the Vietnamese people by the Geneva accords of 1954.

Today we are rationalizing the war in Vietnam by using the false suppositions already outlined.

I submit the following quote on the rationalization of men to make war.

"The loud little handful will shout for war. The puppet will wearily and cautiously protest at first. The great mass of the nation will rub its sleepy eyes and will try to make out why there should be a war. And they will earnestly and indignantly say it is unjust and dishonorable and there is no need for war. Then the few will shout even louder. A few fair men on the other side will argue and reason against the war with speech and pen and at first will get a hearing and be applauded. But it will not last long. The few who want war will outshout those who want peace. And presently the anti-war audience will thin out and peace will become unpopular. Before long you will see a curious thing. Anti-war speakers will be stoned from the platforms and free speech will be strangled by hordes of furious men, who still agree with the speakers, but dare not admit it.

"The whole nation, pulpit and all will take up the war cry and shout itself hoarse and will mob any honest man who ventures to open his mouth for peace. Then such shut mouths will cease to open. Next the statesmen will invent cheap lies, putting the blame on the Nation that is to be attacked and each man will be glad of these lies, and will study them, because they soothe his conscience. And thus he will, by and by, convince himself that the war is just and he will thank God for the better sleep he enjoys by his self-deception."

The author of these remarks was Mark Twain and they are applicable to all nations, in all ages, because they expose the rationalizations that are involved in the use of violence to achieve peace.

But no longer is justification necessary for war, because war, is no longer justifiable. Still, men continue to commit acts of atrocious and inhuman violence to their fellow man. The war in Vietnam cannot be rationalized by moral men.

We are all nourished from childhood on the importance of the vote, the significance of the secret ballot as the very backbone of our heritage. And yet many, many Americans remember devoting themselves tirelessly in 1964 to assure the defeat of a presidential candidate they feared because of his warlike threats and promises.

They defeated that candidate . . . and yet they see some of those same policies they fought in effect today.

And so cynicism appears in old as well as young . . . and, in a tradition which dates back to the first rumblings of freedom in this Nation, the disenchanted turn to the streets.

The "hawks" among us would exorcise this disquieting image . . . particularly, the legion of young America . . . the students . . . suddenly finding it necessary to remind their teachers what the Constitution means, what the American tradition of peace and morality means . . . these "hawks" point immediately to the burning of draft cards—or, in truly tragic cases—the burning of self—and fail to understand the reasons behind these misguided protests. They shout these acts down as those of Communists and cowards.

But they cannot shout down the thousands who burn nothing . . . but march in silent anguish to protest burning.

At the end of a year's escalation of the war in Vietnam, the administration looked out on the front porch of government and found its uneasy chairs uncomfortably crowded with people bearing signs: signs calling for an end to the war. Signs calling for peace talks. Signs calling for immediate withdrawal.

If they looked very closely they could find an occasional Communist.

But mostly they found students.

They found mothers of small children.

And veterans of one or even two wars of the last three decades; ministers, priests, rabbis, veterans of Vietnam, scientists, doctors, writers, teachers.

They found Nobel Peace Prize winners.

Not much farther away—they heard the dissenting voice of members of the Senate, of the House, local Party leaders, respected political commentators in the national press.

All applauding efforts toward a Great Society, but mournfully predicting its impending atrophy under the grinding weight of a continuing—and perhaps pointless—war.

On Aug. 29, 1964, while campaigning in Texas, President Lyndon Baines Johnson said, "I have had advice to load our planes with bombs and to drop them on certain areas that I think would escalate the war, and result in our committing a good many American boys to fighting a war that I think ought to be fought by the boys of Asia to help protect their own land."

I have never doubted . . . I do not think that any but the most irrational radical has ever doubted . . . that President Johnson does indeed want to lie down with the lamb, in peace and mutual respect. And I'm sure it seems to him that escalation has grown step by inexorable step in spite of his most sincere efforts to arrest that growth.

John F. Kennedy also inherited the legacy of the Vietnam problem. I quote his biographer, aide and friend—Ted Sorensen:

"He neither permitted the war's escalation into a general war nor bargained away Vietnam's security at the conference table, despite being pressed along both lines by those impatient to win or withdraw."

Two months before his assassination in September, 1963, President Kennedy said in a television interview:

"They (the South Vietnamese)—are the ones who have to win or lose it. We can help them, we can give them equipment. We can send our men out there as advisers, but they have to win it, the people of Vietnam."

I believe what John Kennedy said . . .

And I believe . . . and support . . . his insistence that South Vietnam's security cannot be bargained away at the conference table.

I believe the concept that we cannot abandon Asia to Communism, is false, because by inference it implies that Asia is ours to abandon.

I believe that the concept of this great nation losing face in the eyes of the world by retiring from an untenable situation, is false. Our older brothers, Britain and France retired from untenable situations and gained the gratitude of the world.

And I believe that if the face of this great republic was lost, that loss is of no consequence, if it ends the slaughter in Southeast Asia!

I believe that the killing must stop. When that occurs, we must then sit at the conference table with the representatives of the South Vietnam revolution, and of Hanoi and Saigon and assure the free elections that the Vietnamese were promised at Geneva in 1954, and have never experienced.

And I think we must assure the freedom of those elections . . . not assure our own victory, for that would be a denial of all our Constitution stands for. I believe we must take that gamble, steadied by the knowledge that no Communist government ever has come into power through elections.

And if we gamble and lose, if South Vietnam should prove to be the first freely elected Communist government in the world . . . then we must learn to live with that government, as we have learned to live with Communist Russia, Racist South Africa, and Fascist Spain. We cannot prevent the spread of Communism by sacrificing the principles of Democracy.

The nations of the world must learn to live with us; the most powerful nation on earth, we cannot choose to do less in return.

More than 30 years ago, in time of domestic chaos President Roosevelt said:

"So first of all let me assert my firm belief that the only thing we have to fear is fear itself . . ."

Today, . . . in time of international chaos we are conditioned by fear. We have come to fear the Red Menace abroad . . . and Creeping Socialism at home. To fear a tiny island 90 miles off our shores . . . and to fear a revolutionary army fighting on its own ground in Southeast Asia, thousands of miles from our shores . . . to fear the student protest marches that might be encouraging the enemy . . . to fear the handful of aging Marxist who seek their lost and futile youth in the student protests of today . . . to fear the moral breakdown of the new generation; that generation born after Hiroshima and Nagasaki. That generation that reached the age of reason only to find their fathers had lost the capacity to reason. That generation, that understands only that those who preceded them have made it possible for their generation to be the last.

To Senator MORSE and Howard Morgan and to you Ladies and Gentlemen, and to your elected representatives in the world's greatest Congress of free men I respectfully submit these thoughts.

Let us not fear the truth. Let us, as civilized men, recognize that, if not all, at least many of our actions and the actions of our enemies are conditioned by fear. Let us, through our reason, attempt to understand that fear—theirs and ours.

I leave you today with a solemn hope and an urgent faith that the moral people of Oregon will nominate Howard Morgan as the Democratic choice for Senator.

Mr. Morgan has said:

"I believe this war must be ended and ended now, by negotiations. The Secretary-General of the United Nations and Senator FULBRIGHT, Chairman of the Senate Foreign Relations Committee, have outlined the ways in which this can be done with honor and credit to the United States, and I favor their suggestions."

"The Senate, in my opinion, is our only hope in this desperate situation. We need more voices of sanity and fewer presidential parrots and rubber-stamps, in the United States Senate. We need more pressure from the Senate, under the advise and consent clause of the Constitution, if the President is to be persuaded to seek and use all responsible and honorable means to extricate this nation from the bottomless morass in which we now find ourselves. And time is running dangerously short."

Edmund Burke remarked, "All that is necessary for evil to triumph is the silence of good men."

If immorality is synonomous with evil, the moral people of this state can rest assured that good men such as WAYNE MORSE and Howard Morgan will not be known in the history books as the U.S. Senators who remained silent while immorality triumphed in Vietnam.

Mr. MORSE. Mr. President, one needs to add very little to what I have previously said about Robert Vaughn to know that this television star is a keen scholar. He is at the present time completing his work for a doctor of philosophy degree dealing with political science. He is a man of keen intellect and is a student of remarkable depth.

I am proud to have been associated with him on various occasions in this

country as the two of us have expressed the dissenting point of view in regard to the American foreign policy in southeast Asia.

I am exceedingly sorry that I have been laboring under the impression that I had previously introduced the speech, and I have explained to those who are interested in having me introduce the speech in the RECORD what has happened.

SETTLEMENT OF INVESTMENT DISPUTE IN IRAN

Mr. MORSE. Mr. President, it will be recalled that when the foreign aid bill was before the Foreign Relations Committee, and later before the Senate, the senior Senator from Oregon joined the Senator from Illinois [Mr. DIRKSEN] in calling attention to the fact that the Iranian Government had followed an unfair course of action in connection with a lumber mill in Iran that had been built in the first instance by an American company at the request of the Iranian Government.

The Iranians sought to operate the mill. They were not successful. The American company was called in to operate the mill. They made it a success, and then the Iranian Government proceeded to expropriate it.

The Senator from Illinois [Mr. DIRKSEN] and I sought to have an amendment added to the bill that would make very clear that this Government would not look with favor upon the granting of foreign aid to the Iranian Government if it was going to follow that course of action toward American investors. In fact, the Iranian Government sent their troops in to take over the mill.

There was, of course, strong support for the position of the Senator from Oregon and the Senator from Illinois on the House side.

The committee report of the conferees contained language, which the Senator from Illinois and I joined in drafting with our House colleagues, calling the attention of the Iranian Government to our great concern.

At the time the foreign assistance appropriation bill was being considered, the attention of the Appropriations Committee was directed to the situation in Iran relating to a dispute between the Iranian Government and an American investor. Both the Senator from Illinois and I saw to it that our Appropriations Committee was apprised of the facts.

This particular dispute was the subject of concern to many Senators and was discussed at length in July on the floor of the Senate when we were considering the authorization for the Foreign Assistance Act of 1966.

As a result of the concern of the Senate, an amendment to the authorization bill was proposed by the distinguished minority leader [Mr. DIRKSEN] was adopted. However, when the conference report for the authorization bill was passed by the Senate last month, the Senate receded from this amendment upon the understanding that this particular dispute in Iran was nearing settlement.

It has been brought to my attention that, in fact, this dispute has been settled in a reasonable manner. I believe that when disputes such as this are settled on a fair and reasonable basis, it can only lead to a better understanding and relations between such countries and the United States. In my opinion, this action by responsible Iranian Government officials will certainly promote increased confidence by American and other investors in Iran and will certainly enhance the efforts made by Iran in promoting its economic development.

The Iranian officials are deserving of great commendation from the Senate.

The Iranian Government officials have created a much better understanding between themselves and the Congress of the United States by their fairness, their reasonableness, and their expedition in settling this case at such an early date following its discussion within the Halls of Congress. I commend them very highly.

THE COMING SOCIAL SECURITY DEBATE

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an article by Prof. Merton C. Bernstein, which appeared in the September-October issue of Challenge, a magazine of economic affairs. It is entitled, "The Coming Social Security Debate," and it deals with the problem of financing social security benefits out of social security taxes.

Professor Bernstein, who was my legislative assistant for several years and now is professor of law at Ohio State University, has long been an expert in the field of pension funds and social security. He describes the rising need for improved benefits, and the growing difficulty in paying for them out of social security taxes, a subject that is of interest and concern to many in Congress and has been of concern to us for many years.

I recommend his article, because I consider it to be a very scholarly one and one that is bound to be a help to us in our legislative work in the years ahead.

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

THE COMING SOCIAL SECURITY DEBATE

(By Merton C. Bernstein)

(NOTE.—Merton C. Bernstein, Professor of Law, Ohio State University, wrote "The Future of Private Pensions.")

When last spring the President ordered HEW Secretary John Gardner to formulate proposals to increase Social Security benefits for Congressional consideration in 1967, he provided the setting for a major policy debate. The key issues are how large benefits should be, whether general tax revenues should be tapped to pay for them, and at what rate and through what devices benefits should reflect changes in the cost of living and the general standard of living.

At the very outset, we must understand where we are and how we got here. The old age insurance program was established in 1935 by Title II of the Social Security Act. This program and its successors have been known as "Social Security," while less broadly supported titles have been known by their more explicit descriptions, such as Old Age Assistance and Aid to Dependent Children.

From the first the basic scheme of Social Security has limited benefits to individuals who "earn" them by working in "covered employment" subject to a payroll tax, paid equally by employer and employee, with benefits increasing (up to a maximum) as covered wages increased. The 1935 Act limited eligibility to workers who retired at age 65 after substantial amounts of covered work and "contributions" (payroll taxes). Benefits derived wholly from the taxes accumulated, with administrative expenses to be paid by the interest earned by the fund. The tax began in 1936, but benefits were not to be paid until several years later. Roughly half of the jobs in the nation were "covered."

Even before benefits became payable, profound changes were made. Most importantly, benefits for dependents and survivors—widows, children and parents—of "insured" workers were added, thereby emphasizing the "social" nature of the program. Most of the money to pay the additional benefits came from scaling down the amounts payable to those who had paid more into the fund and by eliminating the guarantee that all contributors would get back no less than they had put in.

Wartime high employment and the low level of benefits put Social Security into virtual hibernation until the mid-1940s. In the late 1940s proposals for improvements became entangled with the controversy over proposals for adding medical care; both failed together. In this postwar setting the stronger unions won private pension plans for their members, largely because of the inadequacy of the public program.

But starting in 1950, Social Security expanded at a rapid pace. By 1955 coverage was close to universal with the addition of the self-employed, farmers and farm employees with substantial wages, and most employees of public and nonprofit institutions. Benefits—now based upon the average of covered earnings (rather than the totals paid into the system)—were increased radically in 1950. Thereafter the Social Security tax base was raised from the original $3,000 to $3,600, and then in 1958 to $4,800, and in 1965 to $6,600. Benefits for higher wage employees increased accordingly. Larger percentages of the "primary insurance amount" were made payable to dependent survivors. Limits upon retirees' earnings were eased, thereby enabling many more to qualify for program benefits.

In 1956 benefits were extended to those over 50 with permanent and total disabilities—and later the age 50 limitation was removed. Retirement age for working women and benefit eligibility for dependent wives was lowered to age 62—then to 60 for widows. Age 62 became retirement age for men as well. While the benefits for those retiring before age 65 were scaled down accordingly, they added an additional financial burden to the system. The most dramatic and hard-fought expansion of the program came with the addition of Medicare last year.

Even after a decade and a half of rapid and profound liberalization, Social Security benefits fall dismally short of the needs of the elderly for whom it is either the principal or sole source of support. Despite a seven per cent increase voted in 1965, the cash benefits available to retirees, dependents and survivors remain meager.

Of the approximately 21 million individuals who monthly receive Social Security cash benefits, only slightly more than half are retired workers—11.2 million. Their benefits average just under $85 a month—a grand total of $1,020 a year; newly retired workers have a higher average, $95 a month, reflecting the higher wages of recent years. But almost half the men retiring today do so before age 65, and, as

a result, have permanently reduced benefits, averaging $78 as compared with $107 for those retiring at 65 or over.

Most retirees have a dependent wife who, if 62 or over, also is entitled to a benefit equal to half the retiree's primary insurance amount. As a result, a worker who earns the national average of $5,600 a year will have a Social Security benefit (with his wife's) of about $225 a month—or 50 per cent of his former cash wages. Similarly, an employee earning just the federal minimum wage—or $2,600 if fully employed—will have a couple's benefit of $140 ($1,680 a year) replacing about two-thirds of his former cash wage.

In addition to the obvious fact that these earnings fall below the 1959 Bureau of Labor Statistics' budget for a decent standard of living ($3,000 for a family, $1,800 for an individual), it must be remembered that significant noncash fringe benefits, once available, also cease at retirement. Even more importantly, for millions of families a fairly decent standard of living is assured only because they have more than one wage earner. If total family income is put into the equation, Social Security benefits replace a substantially smaller fraction of preretirement income.

Clearly, the worst off are over two million "elderly" widows. The older the widow, the less adequate her cash income is, because her Social Security benefits, and any other income sources, are based on earlier periods when income and prices were lower. Her benefit averages just under $74 a month, or less than $900 a year.

But Social Security seeks to help not only the elderly. In addition to roughly 1.7 million individuals under 65 receiving benefits under the disability program, almost 500,000 "young" widows (under 65) and 2.5 million children of deceased workers participate. The widows (eligible only if they have minor children) obtain an average of $65 a month, and the children receive $61—or $2,250 a year for a widow with two minor children.

A reasonable goal for pensioners would be the maintenance of preretirement living standards—up to the level of moderate comfort. Certainly some amenities and independence should be assured. Yet all of our income substitute programs (for unemployment, work-related injury, sick benefits and retirement) demote the victim financially.

For those possibly capable of significant work, such a policy may be warranted as an incentive against malingering. But for retirees (and the totally disabled) who cannot work or are not wanted, that excuse for reducing living standards disappears.

In my judgment, private pensions, as presently designed, will aid primarily upper income groups and a minority of workers in manufacturing, utilities, transportation and mining who meet stringent eligibility conditions. For some 800,000, the means-test-based Old Age Assistance provides a supplement. Hence, Social Security now is, and for the foreseeable future will be, the principal or sole income for most retirees. What, then, is its potential?

For three decades Social Security benefits have been paid entirely by the taxes equally shared by employer and employee. As the original $3,000 tax base was raised to the current $6,600, the combined employer-employee tax rate rose from one per cent to the current 8.40 per cent (including the tax for health insurance). The self-employed pay one and one-half times the employee rate—or three-fourths of the combined employer-employee rate.

Under the present law, the taxable base of $6,600 is not due for any change, but the combined tax rate is slated for several increases, 9.8 per cent for 1969–72, 10.8 per cent for 1973–75 and three more boosts up to 11.3 per cent in 1987—all to pay for the present schedule of benefits only.

This uniform rate is decidedly regressive—the higher one's income, the lower is the percentage taken by the tax. To some extent this is offset by the benefit formula weighted in favor of those with lower earnings.

Until 1966 benefits were computed as follows: 58.85 per cent of the first $110 of the retiree's average monthly wage—and 21.4 per cent of the remainder up to the maximum creditable wage of $400 a month. With the new higher creditable maximum wage of $6,600, the formula applied to the average monthly wage became 62.97 per cent of the first $110, 22.9 per cent of the next $290 (that is, up to old maximum of $400) and 21.4 per cent of the remainder (up to $550). The new formula gives additional weight to lower wages—but it enables higher wage earners to secure substantially larger benefits replacing a larger portion of preretirement earnings (thereby reducing the counterregressive force of the benefit formula).

The new higher creditable earnings will slowly boost benefits as years of earnings over $4,800 are added. However, this increase of benefits, which will improve the lamentable averages already described, will not significantly ameliorate the lot of lower paid workers, their dependents and—most needy of all—their survivors. And at *no* level would Social Security benefits enable a retiree and his wife—and later his widow—to avoid serious reduction in the standard of living they achieved while working.

If the traditional method of financing Social Security solely by payroll taxes on the "insured" is maintained, benefit improvements must be accompanied by raises in either tax rates, taxable earnings, or both. But, I suggest that any boost over the rates already scheduled would place an unconscionable burden upon lower paid workers, to say nothing of the fact that the hundreds of thousands of working wives of low-paid workers whose own earnings also are low would have little or nothing to show for the larger taxes subtracted from *their* pay (typically the wife's benefit exceeds the benefit her own earnings confer).

An increase in taxable earnings would automatically earmark a large portion of the additional revenues for higher paid employees—those with annual earnings over $6,600, well above the national average. Assuming that a tax rate boost is out of the question, removing *all* limits upon taxable earnings (a move hardly to be taken in one leap) would, in any event, finance only a seven per cent benefit increase—a mere patch on the needs of retirees.

This fact leads to the crucial issue upon which the future shape of Social Security benefits depends: should general Treasury funds—derived mainly from the personal and corporate income tax—supplement the payroll tax to help pay more adequate benefits?

Annual benefit payments now total $16.8 billion—and are growing steadily because of additional retirees. A benefit increase of about 50 per cent—not a great deal in terms of individual benefits and needs, and modest in comparison to Senator ROBERT KENNEDY'S proposal for doubling them—would require roughly $8.4 billion a year from general Treasury funds immediately and much larger amounts in coming years. But the cost of Vietnam, which may well exceed the currently expected rate of $25 billion a year, makes such a radical change unlikely.

Even more unlikely is federal deficit spending to finance immediate improvements in benefits, unless the war ends and a large injection of purchasing power were quickly needed to offset reduced military expenditures—a consummation doubly to be wished. But whether such a program would be politically preferable to a tax cut seems questionable.

In all likelihood the issue would not be posed as so unpalatable an either/or proposition; some *part* of what would otherwise be a tax cut might be devoted to boosting Social Security benefits. This might have sufficient support from the more than 19 million citizens over 65, several million more on the verge, and the many millions of other adults with some responsibility for the support of older citizens, so long as others "got theirs" too in the form of a tax cut.

Even if funds can be found for increasing benefits, other difficulties remain. Because of the time-honored "insurance principle," employee rights to benefits have been regarded as "earned." The program thus enjoys great popularity with recipients, and suffers no connotation as a government handout. This has enabled Congress to be repeatedly generous in voting improvements.

Such popularity has not been enjoyed by the means-test-based Old Age Assistance among either recipients, taxpayers or legislators. Moreover, a large infusion of general revenues would blur the distinctions between Social Security and OAA, which some may find a convenient step toward a guaranteed income for the elderly. How large a federal contribution would destroy the belief of beneficiaries, the general taxpayer and legislators that benefits are "earned" cannot be foreseen.

There are several arguments for using general revenues. The first and foremost is that without them benefits must remain inadequate. Demands for improvement and expansion in the Medicare program will intensify this reason. Second the nation owes the retired a decent standard of living for their past efforts in helping to build our present economy. Third, the payroll tax is regressive and should be offset by an infusion of general tax revenues collected under more or less progressive rates. Fourth, most of those who have already retired have received benefits which their contributions did not pay for. Since this was done as a matter of social policy, the cost of such windfall payments should be borne by the entire taxpaying population and not saddled on only Social Security taxpayers.

We have already seen several "precedents" which have brought remarkably little criticism. The Medicare law confers its benefits upon some three million older persons not otherwise entitled to Social Security benefits; they are to be paid from general Treasury funds. The 1966 Prouty amendment grants small monthly cash payments, nominally under the Social Security system, but paid in large measure by general funds, to those over age 72 who are without the requisite credits.

While these measures are small steps, they indicate that Congress wants to put cash into the hands of the elderly and will not be deterred by theoretical considerations. Whether this enthusiasm would extend to appropriating the billions of dollars needed to raise benefits sharply from sub-subsistence levels is another matter. Social Security, originally devised to ameliorate penury, is becoming a program to sustain middle-class standards of living, as passage of Medicare attests. This emerging role will add support for general revenue financing.

Proposals for some contribution from general revenues were made by the 1935 Committee on Economic Security and almost every Social Security Advisory Council since (the latest proposal in 1965, limited to paying for Medicare benefits for those already retired, would lend little direct support to an ambitious program of supplementation). That such recommendations have yet to be adopted testifies to their political difficulty.

Several European countries lace their social insurance programs with generous doses of general funds; but we have seldom taken our cue from those systems, and their example would be of little help to proponents. I

suspect that most payroll tax resources will be exhausted before a resort to general revenues is attempted.

High on the agenda of Social Security reform will be proposals for insuring that benefits keep pace with increases in cost of living or, more ambitiously, improved living standards.

The present method of computing benefits links them to earnings decades preceding retirement before cash wages were increased by rising productivity and constant inflation. At retirement, the benefits—although related to earnings—are not keyed to the costs or standard of living immediately before retirement. In addition, past limitations upon creditable earnings increase the disparity between recent earned income and benefits.

The 1965 amendment providing for an across-the-board seven per cent increase was the first general increase since 1958; neither it nor its 1954 predecessor fully equaled the price inflation that had occurred since the prior increase. This has given rise to proposals for automatic increases in benefits keyed to the cost of living index, as with the collectively bargained escalator clauses which became so popular during and after World War II.

One objection is that the index does not reflect the differing cost composition of an older person's budget. For example, the general consumer index gives little weight to drugs, which take so large a portion of a pensioner's income. In other words, the Consumer Price Index understates the impact of many price increases upon the elderly. An obvious counter-argument is that several of the other program improvements, especially Medicare, help compensate for the lag in cash benefits.

A case can also be made for tying benefits to an index reflecting improvements in the general advance of the economy. After all, retirees contributed to it in earlier days and helped make it what it has become. Several European public and private retirement programs do adjust benefits in this manner for that very reason. But it is more costly than the cost of living method and would subtract just that much more from the income of those still employed.

Implicit in the argument for either device is that an automatic benefit increase provision would have enabled benefits to keep pace with costs and that only an insensitive Congress unfeelingly prevented such a welcome result. But the realities of the situation do not sustain such a view. From 1939 until 1950 the war and then debate over medical care accounted for the comparative somnolence of the program. Dramatic and far-reaching expansions were made during the 1950s and 1960s.

These many costly improvements all required boosts in the payroll tax and taxable earnings. It seems too much to assume that Congress—which has insisted upon covering the costs of all improvements with concurrent provisions for tax hikes—would have done all of these things if benefits also were going up in tandem with some index.

I can testify from personal experience as counsel to the Senate Railroad Retirement Subcommittee that members of Congress are reluctant to enact the tax increases that program improvements require. Had the law required automatic benefit increases—and accompanying tax increases—between 1950 and 1966, some of the other improvements would have had even heavier legislative going and may have been defeated. Consider, for example, that the Senate approved disability benefits in 1956 by a vote of 47–45—a switch of one vote and the amendment would have lost.

In fact, Congressional action on Social Security improvements now is a biennial affair, with frequent annual amendments thrown in. And for good reason. Social Security is extremely popular with the voting public, especially among the growing ranks of those over 60. Their adult children also support the system which lightens their financial burdens. Representatives and Senators enjoy voting for a more generous program, although many hold their generosity in check because of financing problems. I doubt that they will forgo this biennial harvest of voter goodwill in favor of some automatic program in which they play no role.

But assuming that the Administration is persuaded to advocate an amendment to require automatic benefit raises, and that it beguiles Congress into doing so, I seriously doubt that beneficiaries can count upon a formula that will treat them as generously as the continued ad hoc approach would. Once an escalator provision is enacted, the arguments against further improvements will be powerful. Opponents would argue that the benefit increase job had been done and, anyhow, "let's wait and see how it works out."

A middle ground—yet to be proposed in this country—would be the "semiautomatic increase"; several varieties are used in European countries. When a specified change in the index occurred, an appropriate increase (or decrease) would go into effect unless disapproved by a Congressional vote. This could operate like the Congressional votes on Executive reorganization plans which become effective unless voted down in a specified time.

Another alternative would be a requirement for a departmental report to Congress whenever the selected index changed a designated amount with a required Presidential recommendation as to what should be done about it and assured hearings by the appropriate Congressional committees. Such a device would require the Executive and Congress to confront the situation and provide the occasion for interest groups to press for action. What that action would be would depend upon the many variables of beneficiary need, payroll tax and general revenue potential, fiscal considerations and competing demands upon the nation's productivity, all of which should be considered in shaping the answer.

But, if Congress must anticipate what the improvement formula will be no matter what future contingencies may arise, the tendency will be to play it safe and keep the commitment modest.

The needs of Social Security beneficiaries are unlikely to be met all at once, or even quickly, for there are innumerable other demands upon the nation's resources. But what now seems so formidable could be far simpler with the end of the Vietnam war.

Moreover, our constantly more productive economy has generated, in only two decades, undreamed of standards of living, so that not many years hence we may more readily afford higher incomes for both the employed and the retired.

In the meantime, the upward thrust of cash wages induced by Vietnam will divert more funds to private pension plans, which can play a larger role for the elderly, but only if radically re-engineered. As they tend to confer their benefits (however erratically) upon higher paid workers, Social Security's emphasis might be placed upon the most needy beneficiaries.

Alleviating the plight of the elderly depends upon how clearly we understand that they now live abjectly and how strongly we want to rescue them. A test vote probably will come on the issue of general revenue financing.

BOWER ALY HONORED AS FIRST JULIUS M. NOLTE AWARD WINNER

Mr. MORSE. Mr. President, in the April 1966 issue of the NUEA Spectator which is the national bulletin of the National University Extension Association, there appears an article covering an award to Dr. Bower Aly of the University of Oregon. It was the first Julius M. Nolte Award which was given. My distinguished colleague from Maine [Mr. MUSKIE] had the pleasure of addressing the organization at luncheon.

Because Dr. Aly is a very old and very dear friend of mine, and because this recognition of his dedication is so merited, I ask unanimous consent that the article to which I have alluded be printed at this point in my remarks.

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

BOWER ALY HONORED AS FIRST JULIUS M. NOLTE AWARD WINNER

Bower Aly of the University of Oregon, who for more than a third of a century has served as executive secretary of the National University Extension Association Committee on Discussion and Debate, was named first recipient of the NUEA's Julius M. Nolte Award. Mr. Bower received the award at a luncheon honoring him at the annual conference of the Committee on Discussion and Debate, Senator EDMUND S. MUSKIE gave the luncheon address, and Alexander N. Charters, NUEA president, presented the Award to Mr. Aly. Following is a copy of Mr. Charters' presentation remarks:

"It is a pleasure and a privilege to have the signal honor of recognizing one of the outstanding members of the National University Extension Association; one who has contributed immeasurably to the furtherance of speech education in this country at both the college and secondary levels; one who has competently and enthusiastically provided the necessary leadership, and projected the goals of the enterprise by nurturing the purpose and engendering the need for free discussion and open debate basic to the perpetuation of a democratic society. The gentleman meriting this recognition, Dr. Bower Aly, has served as executive-secretary for more than a third of a century of the National Committee on Discussion and Debate, an affiliate of the National University Extension Association, the parent body. For the outstanding leadership he has given to the Committee on Discussion and Debate, for his insightful vision in charting the course and directing the work of the professional and business affairs of the enterprise, for the freely giving of his time, energy and talents unstintingly to the work of the Committee and all that it encompasses, the NUEA deems it appropriate and especially fitting that recognition be given to this gentleman who has given so much of himself in the interest and behalf of others.

"In keeping with the work and purpose of the Committee, as originally estabilshed, the spirited and devoted leadership provided by its able and unselfish executive-secretary, the following statements seem fitting and appropriate:

"1. When debate and discussion were encountering difficulty in finding their rightful place in the curriculums of the high schools throughout the nation, and when it was most difficult for leagues and affiliates to obtain appropriate and pertinent materials suitable for high school students engaged in debate and discussion, Dr. Aly edited the Discussion and Debate Manual and obtained free and inexpensive materials which were made available to the participating high schools of the nation.

"2. The ability to see beyond the horizon, and to anticipate some of the problems the Committee had to study and resolve, was one of the insightful characteristics of this gentleman. His foresight in this regard was

best exemplified at the annual meeting of the Committee in St. Louis, December, 1960, where plans were developed and finalized for the location and establishment of a permanent home for the Committee and office space for the executive director. The idea envisioned and the procedures to be observed in obtaining the necessary funds came to fruition in 1962, and what was formerly known as the Committee on Discussion and Debate and Interstate Cooperation was permanently located on the campus of the University of Oregon under the title of National Office, Committee on Discussion and Debate.

"3. Realizing that it would be impossible to review all the professional services rendered in behalf of speech education and to cite the contributions made to the high schools of the nation through the auspices of the state leagues and affiliates, the executive committee recommended and the Board of Directors of the National University Extension Association gave unanimous approval to formally and officially recognize Dr. Bower Aly and extend its most sincere thanks and appreciation for leadership provided and professional services rendered.

"Dr. Aly, on behalf of the National University Extension Association, I designate you as the first recipient of the Julius M. Nolte Award."

POLICE INTERROGATION

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed in the RECORD an editorial that I have intended to insert for a long time, but which is particular apropos now in view of all of the discussion in Washington, D.C., and in Congress about the crime conditions in Washington and discussions in regard to legislation relating to crime and to police power. This excellent editorial, entitled "Police Interrogation," was published in the Washington Post of June 15, 1966.

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

POLICE INTERROGATION

Apparently, the Supreme Court is determined to take all this jazz about civil liberty seriously. It seems to have swallowed the Constitution whole, including even all those technicalities in the Bill of Rights. Instead of relegating the minatory stipulations of the Fourth, Fifth and Sixth Amendments to the Archives as hallowed platitudes, it has chosen to treat them as though the Founding Fathers meant them to be real and practical restraints on police authority. It insists upon reading the Constitution as though it had been intended as a charter of freedom for individuals who had deliberately chosen to live under a government of limited powers. Even that antiquated bit inscribed over the portals of the Court about "Equal Justice Under Law" is now being given literal application.

It is said in reproach to the Supreme Court majority which has chosen to read the Bill of Rights as meaning what it says that such a course will cripple law enforcement. The wails are familiar. When the Wickersham Commission 35 years ago disclosed that third-degree tactics were commonly employed to extort confessions from suspects in police stations, the cry was that abandonment of them would lead to a total breakdown of law and order. Today some policemen rely more on trickery than on torture; techniques of interrogation recommended in some police manuals are simply disgusting—and wholly unworthy of a free and civilized society. Yet some of the police again are crying that they cannot discharge their duties if they are required to abandon these techniques.

The convictions overturned by the Supreme Court in the cases decided on Monday all rested on confessions obtained from suspects questioned alone, without counsel or any adequate warning as to their rights, in the intimidating atmosphere of a police station. To allow such confessions to be admitted in evidence would be to make courts the accomplices of the police in a wanton disregard of the Constitution. For these confessions were obtained by ignoring the Fifth Amendment's pledge of a privilege against self-incrimination and the Sixth Amendment's assurance of a right to counsel.

It is said in reproach to the Court's insistence on the right to counsel that granting it will mean an end to all confessions. We think the prediction too dire. In any case, however, to say that the presence of a lawyer would preclude a confession is to acknowledge that a confession obtained without opportunity to consult a lawyer is essentially involuntary or based upon ignorance of constitutional rights. The only genuinely voluntary confession is a volunteered confession.

We beseech those who may be frightened by the Court's outright insistence on constitutional rights to read the Chief Justice's admirable opinion. It is a long opinion—but a fascinating one. It sets forth with clarity and precision the procedure which the police must pursue; and it makes inescapably plain the constitutional mandate behind them.

One happy dividend of this Supreme Court opinion, let us hope, is that we shall hear no more of the ridiculous omnibus crime bill for the District of Columbia still in a congressional conference committee. And the model pre-arraignment code submitted to the American Law Institute can now be filed and forgotten. Like a fresh breeze, the Court's opinion blows away great clouds of confusion. It is in the highest tradition of the Court's service as the guardian of constitutional rights.

Mr. MORSE. Mr. President, I wish to commend the Washington Post for the consistent policy it has followed in supporting those of us who have opposed legislation in the Senate which seeks to take away from American citizens what we consider to be their constitutional rights in respect to attempts to give to the police the extraordinary powers that infringe both upon constitutional rights and civil liberties.

The editorial I have just placed in the RECORD is another of the fine and scholarly articles in the field of criminal justice administration that have appeared from time to time in the Washington Post.

The PRESIDING OFFICER. What is the wish of the Senate?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AUTHORIZATION FOR SECRETARY OF THE INTERIOR TO ENTER INTO CONTRACTS FOR SCIENTIFIC AND TECHNOLOGICAL RESEARCH

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendment of the House to S. 3460, now at the desk, be laid before the Senate for consideration.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3460) to authorize the Secretary of the Interior to enter into contracts for scientific and technological research and for other purposes, which was, on page 2, after line 16 insert:

(d) No contract involving more than $25,000 shall be executed under subsection (a) of this section prior to thirty calendar days from the date the same is submitted to the President of the Senate and the Speaker of the House of Representatives and said thirty calendar days shall not include days on which either the Senate or the House of Representatives is not in session because of an adjournment of more than three calendar days to a day certain or an adjournment sine die.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS AND INDIVIDUAL, SUPPLEMENTAL, AND/OR MINORITY VIEWS UNTIL MIDNIGHT TONIGHT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees of the Senate be permitted to file reports, together with individual, supplemental, or minority views, if desired, until midnight tonight.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION TOMORROW

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

Mr. MANSFIELD. I yield.

Mr. MORSE. I should like to have the attention of the Senator from West Virginia [Mr. RANDOLPH] and the Senator from California [Mr. KUCHEL].

Would the majority leader be willing to ask unanimous consent that the Committee on Labor and Public Welfare may meet all day tomorrow, if necessary?

I should like the acting minority leader to know why I make this request. The committee will meet tomorrow morning to consider an agenda of unfinished bills that both the Republicans and the Democrats on the committee are eager to report to the Senate. I am hopeful that we can dispose of them in the committee tomorrow morning, but it may be that we shall have to continue into the afternoon. It would help to expedite our program if I could get permission to have the committee meet all day.

Mr. KUCHEL. I have just been informed that there is no objection on the part of the minority leader; under those circumstances, I would not interpose an objection.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be allowed to meet during the session of the Senate tomorrow.

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

ADJOURNMENT

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 3 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, October 11, 1966, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, OCTOBER 10, 1966

The House met at 12 o'clock noon.

The Reverend Donald O. Wilson, rector, St. James' Episcopal Church, Baltimore, Md., offered the following prayer:

O Lord, God of the Universe, whose power ruleth all, we give Thee thanks that Thou are concerned about the affairs of mortal men. We face great challenges in the complexities of modern life and we know how incapable we are of coping with them, so now we ask Thy presence here with the leaders of our Nation, that they may receive guidance as they make decisions that affect not only our Nation, but the nations of the world. We ask Thee to correct any selfish desire, and to dominate our wills with Thine, that men may be so governed that Thy name be glorified.

Bless the President of these United States and all in authority. Grant them strength to serve Thee by serving us. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, October 7, 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 bills of the House of the following titles:

H.R. 266. An act to amend sections 404 and 406 of title 37, United States Code, relating to travel and transportation allowances of certain members of the uniformed services who are retired, discharged, or released from active duty;

H.R. 3596. An act to provide for the disposition of judgment funds on deposit to the credit of the Skokomish Tribe of Indians;

H.R. 5297. An act to amend title 10, United States Code, to limit the revocation of retired pay of members of the Armed Forces, and for other purposes;

H.R. 7466. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Indians of Indiana and Oklahoma, and for other purposes;

H.R. 10633. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Quileute Tribe of Indians, including the Hoh Tribe, and for other purposes;

H.R. 10674. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Otoe and Missouria Tribe of Indians, and for other purposes;

H.R. 10747. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Duwamish Tribe of Indians in Indian Claims Commission docket No. 109, and for other purposes;

H.R. 12437. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Nooksack Tribe of Indians, and for other purposes; and

H.R. 17119. An act to amend title 10, United States Code, to permit members of the Armed Forces to be assigned or detailed to the Environmental Science Services Administration, Department of Commerce.

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. 698. An act to provide for the establishment of the Guadalupe Mountains National Park in the State of Texas, and for other purposes;

H.R. 8678. An act to establish in the State of Michigan the Pictured Rocks National Lakeshore, and for other purposes;

H.R. 8917. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Omaha Tribe of Nebraska, and for other purposes;

H.R. 13161. An act to strengthen and improve programs of assistance for our elementary and secondary schools; and

H.R. 17787. An act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 13161) entitled "An act to strengthen and improve programs of assistance for our elementary and secondary schools," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MORSE, Mr. YARBOROUGH, Mr. CLARK, Mr. RANDOLPH, Mr. KENNEDY of New York, Mr. WILLIAMS of New Jersey, Mr. PROUTY, Mr. JAVITS, and Mr. DOMINICK to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17787) entitled "An act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. RUSSELL of Georgia, Mr. MCCLELLAN, Mr. HILL, Mr. MAGNUSON, Mr. HOLLAND, Mr. STENNIS, Mr. BIBLE, Mr. PASTORE, Mr. RANDOLPH, Mr. HRUSKA, Mr. YOUNG of North Dakota, Mr. MUNDT, and Mrs. SMITH to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9424) entitled "An act to provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the national wildlife refuge system; and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17788) entitled "An act making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1967, and for other purposes."

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

S. 688. An act to amend title III of the Bankhead-Jones Farm Tenant Act, as amended, to provide for additional means and measures for land conservation and land utilization, and for other purposes;

S. 1101. An act to provide for the conveyance of certain mineral interests of the United States in 79.184 acres located near Orangeburg, S.C., to Allen E. Dominick, the owner of such property; and

S. 3887. An act to amend title 10, United States Code, to permit persons from countries friendly to the United States to receive instruction at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy, and for other purposes.

MINORITY PARTY POLITICS

Mr. JACOBS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. JACOBS. Mr. Speaker, on December 13, 1965, the so-called Republican national coordinating committee issued a statement in which it said in part:

Our Nation, with vigorous Republican support and leadership, has dedicated itself to successful resistance to Communist aggression through programs for Greece and Turkey; in Iran, Lebanon and Quemoy-Matsu; in Austria, Trieste and Guatemala; by timely action in the Dominican Republic and today in Vietnam.

On March 2, 1966, there was inserted in the RECORD a statement by the Republican policy committee which read in part:

Republicans are united in their support of the fighting men in Vietnam. We also support a policy that will prevent the success of aggression and forceful conquest of South Vietnam by North Vietnam.

Time and again we have heard statements from the minority side to the effect that the minority party supports the