

INFLATION: WHO IS RESPONSIBLE?

The issue of constantly rising prices is one that bothers all Americans. It affects all Americans. The growing inflation threatens the prosperity which we are now enjoying. This is the result of wasteful Government spending and the refusal to live by the sound rules of economics. For years the administration has continued to spend vastly more than it takes in. This year, the President insisted on giving the American people both guns and butter. The results can be seen both in the cost of items in the supermarkets and the constantly declining stock market. A loss of confidence has resulted.

There is only one true cure and that is to cut the cost of the Great Society. This domestic spending can and must be cut. We should not start new Great Society programs while we are fighting a war in Vietnam. We should hold down and cut Great Society programs now in existence. We should trim the Federal budget of all departments and agencies. This can be done. The prime example is our agricultural programs which spend billions of dollars for food subsidies. At a time when we are facing a world food shortage, the need for these programs is questionable. We should be taking a completely new and fresh look at our farm programs. In my opinion, billions of dollars could be saved and the consumer-taxpayer and farmer benefited.

POSTELECTION TAXES

It is well known in Washington that the President is waiting until after this year's election to ask for a general tax increase. I, for one, will not support such a tax increase unless and until the President cuts the spending I have outlined and it becomes clear that further

steps are necessary. The people do not want additional taxes and, in my opinion, they are not necessary.

HIGH INTEREST, HIGH PRICES, HIGH TAXES

The question of higher interest rates affects every person buying a home or car, any person who wishes to borrow money for his personal needs or business purposes. This administration has deliberately and intentionally forced interest rates up to the highest levels in history. They sponsored legislation which placed Government securities on the market in large amounts which pay 6-percent interest. This has dried up much of the normal sources of money for our banking institutions.

The failure of the President to take steps to cut spending has left those with responsibility no choice but to force up interest rates to combat inflation. The main attack on higher interest rates is a cut in domestic and unnecessary Federal spending.

WHO WANTS RIOTS?

Lawlessness in our streets bothers us all, but again, the administration gives no direction to the American people or points them in the wrong direction.

The Attorney General, chief law enforcement officer, has yet to come up with a single proposal which might do something to control and end unlawful demonstrations and riots in our streets, or to control the ever-increasing crime rate across our Nation. While showing great imagination in the field of civil rights legislation, he seems unable to think of anything that might protect the majority of our citizens from the lawless use of our streets. The Vice President for his part cries out that he

could "lead a good riot himself." Just imagine the reaction of those Negroes—the vast majority, indeed—who have remained lawful and stayed away from the riots. They are faced with the fact that the Vice President has indicated they have done the wrong thing.

THERE IS NO EASY WAY

I share the Nation's concern over the lawless elements that have crept into the civil rights movement under the title of "Black Power." To me, black power signifies an attempt of some civil rights leaders to seize control of the civil rights movement. I think it would be a mistake, as some have advocated, to repeal the 1964 Civil Rights Act, which contains basic voting right guarantees for all citizens. This is an overreaction. To my mind, it is clear that our Negro citizens are entitled to equal opportunity but that his advancement will come by merit and not through violence. The overwhelming majority of the Negro people realize this clearly.

RETURN TO BALANCED GOVERNMENT

This year more than ever we need a balanced government in Washington, a Congress that can truly keep a check on the Presidential power. No matter how benevolent that power may appear, it is a danger to our system and a step toward one-man government.

OPPORTUNITY FOR CHANGE ON ELECTION DAY

The Republican Party offers checks and balances instead of a blank check. Our people are choosing more than a representative in Washington this election day. They are choosing a way of life and the way of the future of our country. Their choice should be one of which they will be proud.

SENATE

FRIDAY, OCTOBER 21, 1966

The Senate met at 9 o'clock a.m., and was called to order by Hon. DANIEL K. INOUE, a Senator from the State of Hawaii.

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

Let Thy beauty, O Lord, be upon us, that our spirits may be radiant as in Thy strength we face the perplexities of these troubled days. Use us, we pray, in all our human relationships as ambassadors of good will, so that at the end of the day we may be able to say, "I have kept the faith."

May Thy truth make us free—free from pride and prejudice, and from all the ugly sins of disposition that doth so easily beset us.

Enrich us with those durable satisfactions of life so that the multiplying years may not find us bankrupt in those things that matter most—the golden currency of faith, and hope, and love.

And whatever the voice of the people may be, in the weeks to come we thank Thee that as Americans we can say with utter confidence, "God reigns, and the Government at Washington still stands"—and stands even amid the en-

circling gloom, as a beacon light of truth and liberty for all the earth.

We lift our prayer in the Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, D.C., October 21, 1966.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. DANIEL K. INOUE, a Senator from the State of Hawaii, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

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

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, October 20, 1966, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House

had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6958) to amend the Internal Revenue Code of 1954 to promote savings under the Internal Revenue Service's automatic data processing system.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11216) relating to the tariff treatment of articles assembled abroad of products of the United States.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13161) to strengthen and improve programs of assistance for our elementary and secondary schools.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17607) to suspend the investment credit and the allowance of accelerated depreciation in the case of certain real property.

The message further announced that the House had agreed to the amend-

ment of the Senate to the bill (H.R. 8436) to amend the Tariff Schedules of the United States with respect to the dutiable status of watches, clocks, and timing apparatus from insular possessions of the United States.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 11256) to amend the Internal Revenue Code of 1954 with respect to the priority and effect of Federal tax liens and levies, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 11475) to provide for the control or elimination of jellyfish and other such pests in the coastal waters of the United States.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 14604) to authorize a study of facilities and services to be furnished visitors and students coming to the Nation's Capital.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 18381) making supplemental appropriations 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. MAHON, Mr. WHITTEN, Mr. ROONEY of New York, Mr. FOGARTY, Mr. PASSMAN, Mr. BOLAND, Mr. BOW, Mr. JONAS, and Mr. CEDERBERG were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13103) to amend the Internal Revenue Code of 1954 to provide equitable tax treatment for foreign investment in the United States.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 360. An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes;

S. 985. An act to regulate interstate and foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer commodities distributed in such commerce, and for other purposes;

S. 1068. An act for the relief of Fred E. Starr;

S. 1349. An act to amend the inland, Great Lakes, and western rivers rules concerning sailing vessels and vessels under 65 feet in length;

S. 1496. An act to repeal section 3342 of title 5, United States Code, relating to the prohibition of employee details from the field service to the departmental service, and for other purposes;

S. 2621. An act for the relief of Ioannis A. Vasilopoulos and Chester (Abramczyk) Hill;

S. 2720. An act to authorize the Secretary of the Interior to develop, through the use of experiment and demonstration plants, practicable and economic means for the produc-

tion by the commercial fishing industry of fish protein concentrate;

S. 2893. An act to amend section 208(c) to provide that certificates issued to motor common carriers of passengers pursuant to future applications shall not confer, as an incident to the grant of regular route authority, the right to transport special or chartered parties;

S. 3008. An act to amend the Public Health Service Act to promote and assist in the extension and improvement of comprehensive health planning and public health services, to provide for a more effective use of available Federal funds for such planning and services, and for other purposes;

S. 3148. An act to provide for the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the city of El Paso, Tex.;

H.R. 5688. An act relating to criminal procedure in the District of Columbia;

H.R. 11555. An act to provide a border highway along the U.S. bank of the Rio Grande in connection with the settlement of the Chamizal boundary dispute between the United States and Mexico;

H.R. 12360. An act to permit the sale of grain storage facilities to public and private nonprofit agencies and organizations;

H.R. 13320. An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile;

H.R. 15335. An act to amend the act entitled "An act to establish an Advisory Commission on Intergovernmental Relations," approved September 24, 1959;

H.R. 15727. An act to establish rates of compensation for certain positions within the Smithsonian Institution; and

H.R. 16114. An act to provide for the inclusion of premium pay under section 5545 (c) (1) of title 5, United States Code, for the purpose of determining benefits under the civil service retirement, group life insurance, and injury compensation provisions of such title, and for other purposes.

HOUSE BILLS REFERRED

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

H.R. 1404. An act for the relief of Dr. George H. Edler; to the Committee on the Judiciary.

H.R. 17883. An act to provide training opportunities for persons employed in the legislative branch of the Government; to the Committee on Post Office and Civil Service.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON OVEROBLIGATION OF AN APPROPRIATION

A letter from the Assistant Secretary for Administration, Department of Agriculture, Washington, D.C., reporting, pursuant to law, on the overobligation of an appropriation "Salaries and Expenses, Agricultural Research Service"; to the Committee on Appropriations.

REPORTS ON REAPPORTIONMENT OF APPROPRIATIONS

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of the Interior for "Management and protection," National Park Service, for the fiscal year 1967, had been reapportioned on a basis which indicates the

necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of the Interior for "Resources management", Bureau of Indian Affairs, for the fiscal year 1967, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation for the Department of the Interior for "Management of lands and resources," Bureau of Land Management, for the fiscal year 1967 had been reapportioned on a basis indicating the need for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT ON MILITARY PROCUREMENT ACTIONS FOR EXPERIMENTAL, DEVELOPMENTAL, TEST, OR RESEARCH WORK

A letter from the Assistant Secretary of Defense (Installations and Logistics) transmitting, pursuant to law, a report on military procurement actions for experimental, developmental, test, or research work, for the 6-month period ended June 30, 1966 (with an accompanying report); to the Committee on Armed Services.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of policies and procedures followed in determining the size of the new second lock at Sault Ste. Marie, Michigan, Corps of Engineers (Civil Functions), Department of the Army, dated October 1966 (with an accompanying report); to the Committee on Government Operations.

REPORTS ON RECEIPT OF APPLICATIONS FOR LOANS UNDER THE SMALL RECLAMATION PROJECTS ACT

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, an application by the Yolo County Flood Control and Water Conservation District of Woodland, California, for a loan and grant under the Small Reclamation Projects Act (with accompanying papers); to the Committee on Interior and Insular Affairs.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, an application by the West San Bernardino County Water District of Rialto, Calif., for a loan under the Small Reclamation Projects Act (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

H.R. 7502. An act relating to the income tax treatment of certain casualty losses attributable to major disasters; (Rept. No. 1917).

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. MONRONEY, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated October 10,

1966, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law,

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, The following favorable reports of nominations were submitted:

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

Samuel De Palma, of Maryland, a Foreign Service officer of class 1, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency;

Robert G. Neumann, of California, to be Ambassador Extraordinary and Plenipotentiary to Afghanistan;

Rutherford M. Poats, of Virginia, to be Deputy Administrator, Agency for International Development;

Emmett J. Rice, of New York, to be U.S. Alternate Executive Director of the International Bank for Reconstruction and Development;

Charles Frankel, of New York, William Benton, of Connecticut, Thomas F. Malone, of Connecticut, Nan Tucker McEvoy, of the District of Columbia, and Joseph R. Smiley, of Colorado, to be representatives of the United States of America to the 14th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organizations; and

Fredric R. Mann, of Pennsylvania, Patrick E. Haggerty, of Texas, and Whitney M. Young, Jr., of New York, to be alternate representatives of the United States of America to the 14th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

BILL INTRODUCED

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

By Mr. CASE:

S. 3931. A bill for the relief of Miss Mariel Madamba; to the Committee on the Judiciary.

AUTHORITY TO HAVE TRIBUTES TO SENATOR A. WILLIS ROBERTSON PRINTED AS A SENATE DOCUMENT (S. DOC. NO. 125)

Mr. STENNIS. Mr. President, I ask unanimous consent that all remarks during the year 1966 in the CONGRESSIONAL RECORD eulogizing the senior Senator from Virginia [Mr. ROBERTSON], and his service in the Senate, be compiled and printed as a Senate document.

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

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

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

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

TRIBUTE TO FORMER SENATOR HARRY F. BYRD

Mr. KUCHEL. Mr. President, the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], who is unable to be present, has prepared a statement which he has asked me to read for him.

STATEMENT BY SENATOR DIRKSEN READ BY SENATOR KUCHEL

Mr. DIRKSEN. Mr. President, there are gentle men in whom gentility finally destroys whatever of iron there was in their souls.

There are iron men in whom the iron corroded whatever gentility they possessed.

There are men—not many to be sure—in whom both the gentility and the iron were preserved in proper balance, each of these attributes to be summoned up as the occasion requires.

Such a man was Harry Byrd, the squire of Berryville, the successful publisher, the outstanding orchardist, the statesman by any standard, the proud boast of Virginia and the Senator from, of, and for the United States of America.

To recite his achievements would be but to gild the lily; to recount his adventures in public life, to evidence his conviction and courage would be but to speak of the obvious; to say that gentle spirit became as fixed as Gibraltar is general knowledge to all who knew him. He had the fixed and lasting quality of the Northern Star and whether it was as Governor or Senator it shone through his every act.

His credo was simple, indeed, and it applied to men and nations alike. Frugality was the hallmark of progress; self-reliance was the magic element for advancement. Individual responsibility was the answer to the deeper and deeper intrusions of government into the affairs of the citizenry. Courtesy and good manners were the answer to those who reviled him. The endless honors and plaudits which came to him provoked no immodesty and produced no halo of vanity. He was what he was. As the writer in Reader's Digest described him some years ago, he was "a rare Byrd—bird—among men."

When I was a Congressman I knew him only slightly. When I came to the Senate I came to know him better. When he appealed to me to become a member of the Senate Finance Committee of which he was the chairman, I came to know him intimately.

How tolerant he was of every viewpoint on the controversial measures with which that committee dealt. How forbearing he was so that every member might express his opinion. How firm he was when he differed with a majority of the committee and how candid he was in expressing his views on the floor of the Senate. I believe it can be said of him

as one examines his principles and convictions, the views he expressed, the votes he cast in the committee and on the Senate floor, that he was one of the most consistent, if not the most consistent, statesman in several generations.

When everything that has been said and written of him shall have been spent by the evening breeze, one thing will and can be said which will certainly endure: In life Harry Byrd preferred to "light a candle than to curse the darkness."

Senator Harry Byrd was forever keeping alight and alive the flame of constitutional government, the sovereignty of the States, the attributes of frugality and economy, the need for commonsense, the courage of the commonplace, a dedication to truth, a devotion to freedom, and a friendship for all men.

VIETNAM AND AMERICAN POLICY

Mr. FULBRIGHT. Mr. President, I have recently received the text of a remarkable well-written and well-reasoned discussion of our involvement in Vietnam. I believe it will be of interest to Senators and to the public.

I ask unanimous consent that the memorandum, prepared by Mr. Edward W. Lane, Jr., be printed in the RECORD.

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

VIETNAM AND AMERICAN POLICY

(By Edward W. Lane, Jr., Jacksonville, Fla.)

I. PRELIMINARY

The war in Viet Nam forces death upon many of our citizens. Therefore, it is our most serious public issue, which not only justifies but demands the fullest debate on a constructive and statesmanlike level. That is quite different from criticism for partisan political purposes, which is admittedly bad.

One of the earliest and most basic purposes of government is to protect the persons of its citizens. Therefore, a governmental decision is to conscript its citizens to fight and die thousands of miles from home is the most drastic decision government can make—and one which requires the clearest justification.

The Congress, having the Constitutional authority to declare war, should decide whether our fighting in Viet Nam is justified. If not justified, we should withdraw; but if justified, then Congress should identify the enemy, declare a state of war to exist with that enemy, and throw our full power into the conflict.

II. OUR PRESENT COURSE IS INDEFENSIBLE

(a) *We should not spend American lives at calculated rates by executive decision*

Our present policy of restrained fighting is indefensible. It amounts to buying a political posture with personal lives—to spending citizens at a planned rate so that we can proclaim "our" determination to resist Communist aggression everywhere and "our" restraint in not escalating the conflict.

That policy may satisfy the politically popular clichés of our day, against appeasement on the one hand and against being "trigger happy" on the other. Unfortunately for our citizens, however, it treats their lives like dollars to be spent in such amounts as we can "afford" for the aid of our foreign diplomacy; and that sounds more totalitarian than American.

We seem no longer to regard war as an abnormal condition of dire emergency, which can be declared only by the elected repre-

sentatives of the people, and which when declared involves the total and immediate commitment of all our people. Today we are getting accustomed to war, provided it doesn't become big enough to hurt prosperity at home. We permit our President to wage a new and sophisticated kind of war of exactly the intensity he chooses; and we condone the conscription of our children and our neighbors—the confiscation of their very lives—to serve the plans and theories of our international diplomats.

(b) *We should not undersupport Americans in battle*

If any American is conscripted to fight abroad, he is at least entitled to the fullest support his Nation can give, both in weapons and manpower. Without such support, his danger increases; and he is to that extent abandoned by the Nation for which he fights. Such is the case in Viet Nam. Many have died and will die there, who might be spared if our full power were thrown into the struggle.

Doubtless our leaders fear confrontation with a major power such as China—and properly so. That fear may well enter into the consideration of whether to fight in Viet Nam or not; but it cannot justify our present middle course. To undersupport Americans in battle because we fear attack on other Americans who are not in battle, is excessively timid. It partially betrays the men who are made to fight, and doles out a shabby security to those who are left at home. It is wrong to conscript and spend any American lives without being willing to risk them all.

(c) *We should not use war as an instrument of foreign policy*

Our present course is radically and depressingly different from traditional American policy. By the Stimson Resolution in the '30s, and often since that time, we have denounced the use of war or the threat of war as an instrument of foreign policy; and after World War II, we vigorously promoted the United Nations as an alternative and collective device for security and peace. Today, however, we ourselves are acting unilaterally in Viet Nam; and we are there waging war as a carefully calculated instrument of our own foreign policy.

III. OUR FIGHTING IN VIETNAM IS NOT JUSTIFIED

Our present middle course being unjust and indefensible, the Senate and House of Representatives, with assistance of a special joint committee, should explore and report on whether our fighting in Viet Nam is justified.

(a) *We are not "obligated" to fight there*

Are we obligated as a Nation to fight there, and if so, what is the scope of our obligation, and when and by whom was it made? In answering that question, Congress must confront and resolve policy problems of the utmost national importance. Our leaders often refer to honoring our obligations. Yet, there has been no declaration of war by Congress, as required by the Constitution; nor are we obligated by any clear treaty which the Senate has ratified, as required by the Constitution. Our "obligation," then, if any there be, must reside in Presidential speeches and diplomatic communications. Here is an issue which touches a most fundamental principle in our form of government, and in which the very lives of our citizens are at stake. Can our Executive Branch, by its own pronouncements and without the Constitutional concurrence of our Legislative Branch, obligate our Nation to fight a war of undetermined extent and indefinite duration? The answer clearly must be "No"; and the Congress should declare it in unmistakable terms.

It is the urgent duty of Congress to retake its proper position in such affairs and to

serve plain notice on all people that neither our President nor any executives in our Government have the power to obligate this Nation to war. Such a declaration by Congress would hopefully deter our Executive Branch from similar intemperate pronouncements in the future.

It is admittedly embarrassing for a democratic majority in Congress thus to reprimand its own executive leaders; but if the awful issue of war is indeed to rise above partisan politics, the reprimand must be given. The Executive Branch has the Constitutional authority to conduct our foreign policy; but of necessity this means foreign policy short of war, and it must be plainly reaffirmed that no Nation can depend upon our military aid without the Constitutional sanction of our Congress.

There are sound historical precedents for Presidential action in so-called brush-fire incidents; and reasonable actions of that kind are not here criticized. They are typically of small extent and short duration; and, most importantly of all, they involve only professional soldiers. The case is radically different when conscripted civilians are used, or when the "incident" plainly assumes the proportions of a true war.

Even if not obligated, are we justified in fighting in Viet Nam to resist Communist aggression against the South Vietnamese?

(b) *The compassion of our Government leaders for the South Vietnamese does not justify it*

Our leaders sometimes invoke our feelings of Christian compassion as a basis for defending the helpless South Vietnamese from Communist slavery. Such feelings are admirable, and may move many citizens to volunteer; but they cannot in any decree justify our Government in forcing any American to go.

Compassion is an affair of the heart. It is intimately and essentially personal. It is a virtue in government officials as well as in other men; but in government officials, compassion alone cannot enlarge the powers of their office, nor can it morally justify them in donating the lives of others.

Our officials in Washington are free, as we all are, to commit their personal lives as they think right; but the lives of other Americans are not "on call" simply to serve the personal compassion of those officials for other peoples.

(c) *It is not necessary to our territorial security*

The question of justification must be considered strictly in terms of the territorial security of the United States. This does not require literal territorial invasion. Aggression against an important ally, such as England, or invasion of land which is dangerously close to us, such as Cuba, could reasonably jeopardize our territorial security to the point of war; and obviously the confidential opinions of our professional military chiefs should weigh heavily in any such decision.

By such a test, Viet Nam seems clearly excluded.

(d) *It will not deter future aggressions*

Our leaders say repeatedly that by defeating Communist aggression in Viet Nam we will deter larger aggressions in the future. This is mostly myth; and yet it has become so popular in our political pronouncements that it represents a major danger to American lives.

The most certain thing about war is that it does not prevent future war. Except for the defeated nation during the brief period in which it remains subjugated, war is no deterrent at all; if anything it is a promoter of war.

In 1917 we entered World War I to make the world safe for democracy; but within 20 years Germany, Spain and Italy were

Fascist, and Russia had long been Communist. Then came World War II, which we fought to end all wars. Shortly thereafter China became Communist. We fought in Korea to resist Communist aggression and thereby deter large aggressions elsewhere in the future. But the larger aggression came anyway, in Viet Nam; and now we are bleeding again for the same old threadbare slogan.

Unfortunately there is no personified "aggressor" who can be "taught a lesson," like the local bully. Different nations are involved and millions of individual personalities within each nation. Moreover, in each nation, the persons who wield its power are continually changing. The historical truth is that war breaks out from the alignment and aspirations of nations and the calculations of their leaders at that time with little or no regard for the outcomes of other wars in other years. War spawns many things, but none of them is Peace.

That general truth is especially applicable to Communism. Here is a doctrine which is inherently militant and expansionist. It seems ridiculous to suppose that one military reverse, or many, will eliminate those elements from the doctrine or deter its leaders from the next aggression which looks promising. On the contrary, such a doctrine and such a leadership thrive on foreign conflicts of manageable size; for the conflicts seem to justify the militancy of the doctrine and tend to unite the masses behind their leaders. Our fighting in Viet Nam, far from intimidating the Chinese, is probably sharpening and hardening their militancy; and all fringe fighting of that kind will have the same unfortunate result.

IV. WE SHOULD WITHDRAW THROUGH THE UNITED NATIONS

Assuming the above views to be correct, how can withdrawal be now accomplished? Two difficulties are at once apparent. First it is unwise to proclaim publicly our intention to ignore Communist aggression in remote places for fear of thereby inviting the aggression. Secondly, it is obviously embarrassing to abandon a project which has been seriously undertaken. Even a Western Power wants to "save face" if possible.

(a) *Viet Nam is a typical problem for collective action*

The sound answer is to remit the entire problem to the United Nations, where it originally belonged. This may initially take the form of consultation as a background for negotiating a direct settlement. Failing a reasonable and prompt settlement by that route, a formal vote by the United Nations should be forced. If the family of nations there represented resolves to defend Saigon, we may and probably should assume our exact proportionate share of that defense; but if the United Nations does less, we should conform to that also.

Aggression in remote Viet Nam, being no more dangerous to us than to any other peace-loving nation (except perhaps the immediate geographic neighbors), is typically a problem for collective action. We may hope the decision is to defend collectively; but if it is otherwise, as it probably will be in the shadow of China, our Government does not thereby receive any warrant to put the entire blood burden of that defense on its own people.

In theory the United Nations can thwart aggression by confronting the aggressor with an overwhelming alignment of Powers to which the aggressor will bow without fighting; but the theory may not work when the aggressor is supported by a major Power and the aggression presents no serious threat to the territorial security of the other major Powers. The comparative disinterest of England, France and West Germany in Viet Nam strongly indicates that they do not regard the aggression there as a serious threat to them. If their disinterest renders the United

Nations impotent in Viet Nam, we should accept that verdict.

We should continue patiently within the United Nations to urge what we think the United Nations should do. We may thereby help the United Nations over the years to evolve in the direction we think best. However, when we act unilaterally, as in Viet Nam, and thereby relieve the United Nations from the necessity of deciding or doing anything, we do not promote the evolution of the United Nations, we retard it.

(b) *Inaction by the United Nations would not justify putting on our people the blood burden of trying to police the world*

It is sheer folly for us to undertake the impossible task of policing the world—of trying to do alone what the United Nations may be unwilling or unable to do. Such a project is not only beyond our power to accomplish, but far more importantly it forces a blood burden on our people which is completely beyond their duty as American citizens and is therefore intolerably unjust.

What then if Communist aggression proceeds unchecked in Viet Nam and other areas? First, we must recognize that in terms of our own security, it is not so much Communism we fear as Nations. We may well fear Communist China, but we are quite at ease with respect to Communist Yugoslavia. Secondly, it is clear that a China which has the military and economic problem of controlling Viet Nam and other subjugated areas is certainly no stronger and probably somewhat weaker than China is today. The continuing subjugation of foreign peoples is usually a drain. If, however, Communist aggression should attack an area or an ally which seriously important to our territorial defense, we would then know how to fight for our country—a country whose regard for its own citizens would make it worth fighting for.

Those views may seem callous—particularly in contrast to our leaders' speeches in which every sentimental appeal is made to defend the helpless everywhere. It must be admitted, however, that the subjugation of peoples by stronger groups has been occurring continually since the beginning of recorded history; and we must accept the harsh fact that such subjugations cannot be eliminated overnight. War itself cannot eliminate them, as history shows; nor can they be eliminated by the fiat of any one Nation unless that Nation is strong enough and ruthless enough literally to dominate and coerce the whole world into the pattern of its own judgments. Such a course is not for us.

V. ABOVE ALL, WE SHOULD EITHER GET OUT OR GET ALL THE WAY IN

Undersupporting Americans in battle for fear of endangering Americans at home impugns our courage and outrages our sense of fair play. Moreover, it violates our basic belief that the Government exists to serve and protect the citizen, rather than that the citizen exists to serve and die for his Government.

VI. SUMMARY

Our Government exists to serve our citizens. By conscripting a citizen for war, the Government seizes all that he has—his life; and that drastic action should never be taken except for a properly declared war, to which all citizens are committed. That concept of the value and availability of American lives to their Government is essential to our democratic system, and must not be abandoned or compromised for any supposed subtlety or sophistication in the conduct of our foreign policy.

Congress should now reassert its basic control over the awful issue of war and peace. It should find and declare that we are not now validly obligated to fight in Viet Nam, and that we cannot become so obligated without the Constitutional action of Congress. It should further recognize that our unilateral

war in Viet Nam is not necessary to our territorial security nor justified as a deterrent to future aggression; and it should remit the entire issue to the United Nations where it belongs.

If, however, contrary to those views, Congress should decide that we will fight in Viet Nam, for whatever reason, then Congress should identify the enemy, declare a state of war to exist and throw our full power into the struggle.

Above and beyond all, we should either get out or get all the way in. To deliberately undersupport Americans in battle is grossly unjust and excessively timid. It partially betrays those in battle and seeks a shabby security for those at home.

THE TRUE MEANING OF THE RULE OF LAW

Mr. LAUSCHE. Mr. President, the Ohio Bar, a publication of the Ohio State Bar Association, for May 22, 1961, contains an article entitled "The Rule of Law—What It Truly Means," written by Robert N. Wilkin, a retired Federal judge.

The discussion of this subject by Judge Wilkin is of such forcefulness and clarity that I ask unanimous consent that it be printed in the RECORD.

The necessity of living under a government of laws is indispensable, if the dignity of man is to be preserved. Where lawlessness prevails, liberty is lost, and dictatorship inevitably takes over.

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

THE RULE OF LAW—WHAT IT TRULY MEANS¹
(By Robert N. Wilkin, U.S. Federal judge (retired))²

The greatest obstacle to peace is the general want of understanding of Law—its history, its purpose, its function.

That law is the only practical substitute for war is generally understood. The President's proposal to substitute "The rule of law for the rule of force" has had a cordial response.

But there is no constructive action to accomplish such a proposal and no public demand for such action. Our nation fails to insist on a convention to amend the Charter of the U.N. Our government has declined to call a convention to consider the creation of an Atlantic Union or Federation of Free States. The Senate refused (by the Connally Reservation) to concede unqualified jurisdiction to the International Court of Justice over international disputes.

We sentimentalize over peace, but refuse to do the only thing that will insure peace. We acquiesce in the need for lawful order in the world, but obstinately refuse to proclaim that in world affairs we will hold our sovereignty subject to Law. We boast of a government of law for national and interstate affairs, but refuse to accept government of law for international affairs.

The chief cause of such inconsistency is a very general misconception of law. Law is thought of as command, as the assertion of will. Most people think of law as being all those arbitrary rules and regulations imposed by government for the maintenance of civil order. Such rules and orders are phases or detailed expressions of law, but they are not The Law.

The Law that is needed for international relations is the Law of laws. It is not ar-

¹ Reprinted from Freedom & Union, 2700 Ontario Road N.W., Washington 9, D.C.

² Judge Robert N. Wilkin, Cleveland, is a former senior partner of the firm of Smith, Renner, Hanhart & Miller, New Philadelphia.

bitrary will or capricious command. It is the universal and eternal principles of right and justice. It was not proclaimed by government, but is the natural restraint on government. It was established by the providence that created the universe and made it subject to law. Like the laws of chemistry and physics, it can not be violated with impunity.

Man is endowed with free will. He is also endowed with reason which enables him to learn the law, and should enable him to exercise his will according to the law of his individual—social nature. Dean Pound defines the Law as "Experience developed by reason and reason tested by experience." Now the will of a nation is generally referred to as sovereignty; but the will of a nation is no more exempt from the law than is the will of an individual. As C. H. McIlwain has said, "the problem of law *versus* will remains the most important of all practical problems." Since the world has become one community, the problem is world-wide, and since the munitions of war are totally destructive, the issue is life or death.

To gain an understanding of the Law, it must be considered in historic perspective. As we study human evolution through the ages, with failures and accomplishments, we perceive what Rudolph von Ihering referred to as "The struggle for law." Peace and prosperity followed in the wake of established law, as shown by the Pax Romana and Pax Britannica. Just as the physical sciences advanced by the discovery and application of the laws of physical nature, so political science advanced by the observance of the laws of human nature, in spite of the differences between physical and human nature.

Greek philosophers of classical antiquity expounded the theory of universal principles of law that ruled all nature. This became a basic tenet of Stoic philosophy. The Stoics taught that there were standards of righteousness and justice which were revealed to man through reason according to nature, and which, if strictly heeded, were manifest and clear—almost as evident as things perceived by the external senses. They taught therefore that law in its very essence rests not upon the arbitrary will of a ruler or upon the emotional decree of a multitude, but upon nature and the innate ideas of man's moral and social nature.

Stoicism made a strong appeal to educated Romans, and this was important at the time of the dissolution of the city-states. In place of a law embodied in the closely unified political tradition of a single city, it was necessary to conceive of law for the whole civilized world.

When Rome became the supreme political power, it also became the commercial center of the world. A large body of alien residents settled in the city. The magistrates and lawyers of Rome were compelled to recognize the differences of customs and local rules among these aliens and the provinces and countries from which they came. In the process it was discovered that underlying the differences of formalities and procedure, there were principles of honesty, fair dealing, and good business practice. The Roman administrators and lawyers called this *ius gentium*, law common to all peoples.

The great lawyers and magistrates of the second and third centuries B.C. saw in *ius gentium* an exemplification of the Stoic principle of universal law, and, they, with the aid of the juris-consults, made it a basic tenet of Roman jurisprudence. They spoke of it as *vera lex*, true law.

The Romans not only rationalized true law, they also gave it practical application. They demonstrated that where true law was honestly and fairly administered the people prospered and were satisfied. The accomplishments of Scaevola, Cato, Sulpicius, and Cicero, serving as pro-praetor or colonial governors, enabled Cicero to inform the Senate

that there were provinces and foreign countries where the Roman rule of law was preferred to the despotic rule of native kings.

The Church Fathers found the ethics of Stoicism and the jurisprudence of Rome consonant with their religious teaching. They became expositors of true law, and preserved it after the disintegration of the Roman Empire. Officers of the Church were educated in Latin and studied Roman jurisprudence. As administrators and justiciars they gave the impress of Roman law to all Europe. Throughout the Middle Ages and well down into modern times the existence and validity of true law were taken for granted. Its central idea, as Sir Frederick Pollock has said, "was an ultimate principle of fitness with regard to the nature of man as a rational and social being, which is or ought to be, the justification of every form of positive law." It embraced such conceptions as equality before the law, faithfulness to engagements, equity and fair dealing.

For hundreds of years the judges of England were officers of the Church. By the end of the thirteenth century the Common Law had become more Roman than Anglo-Saxon. One of its basic principles was "the supremacy of law." Chief Justice Coke quoted Bracton, a judge and a priest, when he told King James that he was "under God and the law." It was these conceptions of true law that led to the Bill of Rights.

It was true law that prompted the establishment in this country of "government not of men but of law." Through colonization, Roman Law and Common Law, with their central idea of true law, were carried to all parts of the world, and when colonies established their independence they retained the law of the colonists. So true law has strong roots extended throughout the world today.

When the Roman Empire disintegrated and Europe separated into many different states, nationalism became strong, sovereignty was emphasized and universal law was neglected or opposed. Will prevailed over law. When the national kings and feudal rulers asserted their sovereignty as against other states or the papacy, the people generally, prompted by an inherited clan instinct, supported their monarch. In time, however, the movement for freedom opposed the claim of absolute sovereignty at home. The evolution of popular government suppressed the "divine right of kings," but then absolute sovereignty was assumed by the legislative agents of the people, and finally the popular movement, in its tendency to draw all power into its "impetuous vortex," vested absolute sovereignty in the people.

Democracy, like nationalism, has a strong tendency to exalt the will above the law. Pandering politicians and demagogues acclaim the "sovereign people" and the "popular will," and legislative agents, instead of exercising their own best judgment, are motivated by what they assume to be the will of their constituents. The assumption that the majority should rule, creates the impression that the majority is always right. But often the instant, emotional opinion of the majority is not right.

The problems of government require learning, study, discussion and deliberation. That is why wise Founders established here a representative republic. The truth is revealed first, not to the majority, but to the saints, scientists, savants and patriots who discipline themselves to receive it, and evolution follows in their wake.

The ultimate, informed and considered judgment of the people can be trusted, because they are imbued with the principles of the true law of human nature. But their arbitrary will is no more sovereign than the will of a king or parliament.

In recent times true law has been opposed by another influence. The modern revolt against traditional standards of morals, taste and decorum (most evident in

modern art, music and literature) was also directed against the objective standards of true law. Truth, justice, right were to the modern sophisticates only subjective standards, at best mere principles of ethics; and law to them was only the commands which government had the power to enforce. Such "positivist" philosophy of law was soon found to be at one with the ideologies of the dictatorships of recent years. The willful and inhuman conduct of the dictatorships has caused legal scholars and statesmen to appreciate the inter-relationships of law and value, and now almost everywhere there is a revival of interest and faith in the higher law—true law.

Thus the history of law repeats. When the city-states failed to meet the needs of expanding Mediterranean civilization, universal law supplied the needs of that time; and now when the nation-states fail to meet the needs of expanding world-civilization, universal law again comes to the fore.

Next to the history of true law the most urgent need is an understanding of its purpose. The basic purpose of law is to maintain civil order—to restrain crime and violence and keep the peace.

Its aim is the commonweal, and the just settlement of disputes by impartial tribunals.

It is not the purpose of true law to control or regulate the economic or social affairs or other details of the life of individuals, local communities or nations. Under true law humanity would be free to enjoy and profit by the interesting variations in life, and evolution would continue without interruption from arbitrary will.

It is also important to understand the function of true law, its method of operation. Law requires implementation. As a great Roman lawyer said 2,000 years ago, "The law is a voiceless magistrate; the magistrate is the voice of the law." In order to accomplish its purpose that law must have a sustaining organization with three departments: one to promulgate, one to adjudicate, and one to enforce.

Since true law exists in universal, general principles, political life requires from time to time more specific directions for control of details; and experience indicates that this need is best met by some representative agency empowered to enact statutes, ordinances and orders. Dean Pound distinguishes such enactments and commandments from Law by designating them "rules of law." They help to serve the purpose of law so long as they do not contravene the principles of true law. Such legislative agencies as town councils, state assemblies and congress would conserve local self government while true law, if properly implemented, would preserve world peace.

The most essential and important function of true law is the function as to which there is the greatest misunderstanding and reluctance. It is in the judicial court that law finally prevails over will. That is why the most willful (gangsters, unions and nations) most bitterly oppose the judicial functions.

When a dispute arises that cannot be settled by negotiations or arbitration, the only way it can be settled peacefully is by "third party judgment." Any dispute that threatens the peace or commonweal of the community must be justiciable because the community welfare transcends other interests. So today the welfare of the world community has become supreme.

As law was the gift of Rome to the world, the best way of administering it was the gift of England. In England the judicial function was separated from other branches of government and judges were given independence and security of tenure so that they might be wholly devoted to the law. The U.S. Constitution made strict provision for an independent judiciary.

Judicial history is a record of commendable accomplishment. It shows that when men are given a fair chance they prove worthy of trust and confidence. History has dealt generally with dynasties, wars and political campaigns. The devotion of judges to the law has advanced and stabilized civilization, and their moral courage has equalled the physical courage of military and political patriots. When men of character and learning in law have been chosen for judicial office their service has been uniformly free from racial, religious, national or other bias.

The judicial function affords the means of restraining the action of local, state, national and international agencies and officers within the legal limits of their respective jurisdictions. It acts only, however, on what is submitted; it cannot initiate action; and with final judgment its power ends. Another limitation on the judicial function is the requirement that its procedure be in accordance with what has come to be known as "due process of law," a term that includes such concepts as impartial tribunal, fair trial, due notice to interested parties, right to call and examine witnesses and right of counsel. The judgment must be, not the arbitrary will of the court, but "the voice of the law."

The administration of law requires that some agency be empowered to protect the lawful from the lawless. Cities, states and nations maintain police and law enforcement officers who are authorized to restrain violations of the law and to arrest and suppress law violators. The possession and use of fire-arms and dangerous weapons are restricted to law enforcement officers. Similar provisions should now be made for the protection of the world community. The munitions of war have become so devastating that they dare not be entrusted to the arbitrary will of nations. The welfare of humanity requires that such munitions and armament must be under lawful control.

President Eisenhower in his New Delhi address said: "What is now needed is to infuse into international law the finest traditions of all the great legal systems of the world."

Six of the great legal systems are:

1. The Law of the Sea, or Admiralty
2. The Torah, or Talmudic Jurisprudence
3. Roman Law
4. Canon Law, or Law of the Church
5. Code Napoleon
6. Anglo-American Common Law.

The Law of the Sea is the oldest system. It had its origin in custom and is administered today in all lands bordering on navigable waters. U.S. Courts were vested with jurisdiction over this law by the Constitution. Lawyers are now attempting to formulate a similar system of law to regulate navigation of the air and outer space.

The Talmudic Law had its origin in the theism of the Hebrew people. It was based on a belief in a divine creation and conduct of the Universe. It is still observed by Orthodox Jews.

Roman Law was based on Greek philosophy and Roman jurisprudence. Its principle of universal order led to what Cicero described as True Law. His definition is accepted today as "one of the finest expressions in all political literature."

Canon Law, while the law of the Church of Rome, contains both spiritual and temporal provisions. Its temporal rules resulted from the temporal power exercised by the papacy after the decline of the Roman Empire. It is still the universal law of Catholicism and respected by devout Catholics everywhere.

The Code Napoleon was the work of the great jurists of the Napoleonic period. It was founded on Roman jurisprudence and became the basic law of all the countries of Continental Europe. It is frequently referred to as The Civil Law to distinguish it

from the Common Law. It is the basic law of most of the countries of Central and South America, one of the provinces of Canada and the state of Louisiana.

HOW TO PROMOTE TRUE LAW

Anglo-American Common Law had its origin in the customs of the Anglo-Saxon tribes and in feudal polity. After the Norman Conquest it became predominantly Roman in principle. It is the prevailing law of the British Commonwealth of Nations. It is also the law of the U.S., Canada, Australia, New Zealand, and India.

The predominant characteristic of all these great systems of law is that they recognize and embody the principles of true law. When the United Nations Organization adopted the Statute of The International Court of Justice, it recognized the established sources of international law, but it also authorized such world tribunal to decide cases *ex aequo et bono*, according to equity and good conscience. That provision definitely impressed the principles of true law on International Law.

The recommendation of President Eisenhower that the rule of law be substituted for the rule of force, and that international law be impressed with the fine traditions of the great systems of law is sound, logical, and practicable. The recommendation, however, will not be accomplished unless it is supported by public opinion. There will be no such support until the people of character and intelligence who create and express public opinion become informed as to the history, purpose, and function of law.

People who obey the law learn to love the law and are blessed by the law. It manifests itself unto them and abides with them, and they find in it the source of their freedom, the protection of their rights, and the greatest possible assurance of peace. All nations that believe in true law must now unite to maintain it in the world, and all people will in time join that union. They will believe "for the very work's sake."

NICHOLAS RAIMO ELECTED NATIONAL COMMANDER OF ITALIAN-AMERICAN WAR VETERANS

Mr. CASE. Mr. President, my State of New Jersey was honored recently when one of its residents, Mr. Nicholas Raimo, of Belleville, was elected national commander of the Italian-American War Veterans.

Commander Raimo, who was elected national commander at the 31st annual convention of the Italian-American War Veterans held in Philadelphia, will head the 65,000-member national organization for a 1-year term.

For the past 21 years, Mr. Raimo has been active in veterans' affairs on a local, State, and National level. In recognition of his outstanding service to the community and Nation, he has received five past national commander's awards. In addition to his work in behalf of veterans, Mr. Raimo has found time for numerous civic and community activities. We are indeed fortunate to have such a public-spirited man in our State, and I am glad that his capabilities have been recognized by the Italian-American War Veterans.

Mr. Raimo, a World War II Army veteran, served in Europe. He holds five combat stars, the Purple Heart, and the Combat Infantryman's Badge.

A lifelong resident of Belleville, N.J., Mr. Raimo publishes a monthly newspaper, the Belleville Record.

I offer my warmest congratulations to Commander Raimo, and I am glad to have an opportunity to invite the attention of the Senate to his election.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Thereupon (at 9 o'clock and 3 minutes a.m.) the Senate took a recess subject to the call of the Chair.

At 9 o'clock and 25 minutes a.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. SMATHERS in the chair).

SUSPENSION OF INVESTMENT CREDIT AND ALLOWANCE OF ACCELERATED DEPRECIATION IN THE CASE OF CERTAIN REAL PROPERTY—CONFERENCE REPORT

Mr. LONG of Louisiana. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17607) to suspend the investment credit and the allowance of accelerated depreciation in the case of certain real property. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of Oct. 20, 1966, p. 28224, CONGRESSIONAL RECORD.)

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. LONG of Louisiana. Mr. President, the Senate approved last Friday, October 14, a bill that would suspend the 7-percent investment tax credit and accelerated depreciation for a period of 15 months that will terminate after December 31, 1967. The bill had been requested by President Johnson in a message he sent to Congress on September 8, 1966. The request for the bill was based upon the continuing high level of demand for investment in machinery, equipment, and commercial and industrial construction which exceeded the capacity of the economy to meet those demands. Consequently, serious inflationary pressures have been generated and were reflected in rising wholesale and consumer price indexes. Furthermore, the high level of civilian demand and rising prices have made it difficult to fill defense orders resulting from the Vietnam conflict and have been raising defense costs.

The House approved a modified version of the President's recommendation. The Senate also passed such a bill but with modifications clarifying how the provisions of the bill affected various

commitments and industrial activities, and containing several exceptions for selected industries. These amendments were taken to conference, and I am now reporting back on the results of the conference.

Of the 42 amendments sent to conference, all but 7 involved substantive issues which had been added by the Committee on Finance or by the Senate during its floor discussion of the bill.

The House receded on a series of clarifying and perfecting amendments which were added by the Committee on Finance: the equipped building rule, the plant facility rule, the machinery and equipment rule, leaseback transactions, third party supply contracts, affiliated corporations, the casualty loss replacement rule, and amendments relating to the leasing of property after the effective date. Of these amendments probably the most significant was the plant facility rule which relates to a facility which is self-contained and produces a product or products through a single operating unit or single processing operation. This rule is similar in application to the equipped building rule except for the fact that it relates to a facility which for the most part is not enclosed in a building. There, of course, can be structures, machinery or equipment which are incidental to the plant facility of the type referred to as "appurtenances" in connection with the equipped building rule, which if essential to the operation of the plant facility rule, would come within it.

The House also receded on a Senate amendment which authorizes the Federal Government to issue long-term, small-denomination saving or retirement bonds at rates of interest up to 5 percent.

The Senate conferees agreed to deletion of a clause which would allow the Treasury to issue such bonds carrying a rate of interest above 5 percent with the approval of the President. It was agreed that the administration should return to Congress in the event it believes it is necessary to issue a bond yielding more than 5 percent. It was the understanding of the conferees that to the extent possible the bonds would be designed as a supplement to the services provided to savers by existing savings institutions and that the bonds would not be redeemable after a short period of possession. Presumably, low interest rates also will be provided where the bonds are retired early in their life.

Another amendment on whether the House receded requires certification by the Secretary of Interior that water antipollution devices meet Federal standards and certification by the Secretary of Health, Education, and Welfare that air antipollution devices meet Federal standards, before either type could qualify for the investment tax credit during the suspension period. They were assured in accepting this, however, that there was no expectation that this would cut back on the introduction of these facilities.

The House also receded on the amendment relating to professional football with minor adjustments to the amendment. The first part of this amendment

related to the income tax treatment of professional football leagues. As Senators will recall, the Senate amendment provided that professional football leagues are to be exempt even though administering a player pension fund. The fact that the football leagues, even though administering pension funds are included in the tax-exempt category, does not mean in other respects that they are free of the requirements of present law. Apart from any effect arising from the administration of a pension fund, a league must meet the test of no profits inuring to the benefit of any private shareholder or individual in the same manner as any other organization coming under this provision. Moreover, no inference is intended as a result of this change as to the application of section 501(c) (6) to other types of organizations.

The second part of the football league amendment concerned exemption from the tax on unrelated business income of a professional football game sponsored by a tax-exempt organization. This portion of the amendment was deleted.

The third part of the football league amendment which relates to the exception from the antitrust laws for the joint agreement was retained by the conferees. The conferees indicated that it was their intention that this provision, providing an exemption from the antitrust laws, apply solely to the results of the merger of the two leagues and that it would not provide the new league with any greater antitrust immunity than the individual leagues enjoy now. For example, in the case of player drafts the only issue which it is intended to foreclose as far as antitrust action is concerned is that arising from the fact that there will be one, instead of two player drafts.

The fourth part to this amendment stated that the exception from the antitrust laws is not to apply to any joint agreement which permits professional football games to be telecast on Friday after 6 p.m. or on any Saturday beginning with the second Friday in September and ending on the second Saturday in December from any television station located within 75 miles of the site of a high school football game.

Mr. SMATHERS. Mr. President, will the Senator yield at that point?

Mr. LONG of Louisiana. I yield.

Mr. SMATHERS. I think it might be helpful if the Senator will agree that it is clear that it was the intention of the conferees that, despite some apparently loose language in that part of the bill which had to do with football, it was never the intention of the conferees to permit an individual team, as distinguished from the league, to still be permitted to telecast games back into an area within 75 miles of where a high school football game was being held. The language of the law which this bill amends states that the league itself cannot do that. The question arose whether or not the language was loose enough so that an individual team could make a contract with a television station to telecast a game when a high school football team was playing on Friday

night or a college football game was being held on Saturday.

Does the Senator wish to establish that it was the intention of members of the conference to cover that situation, and that if the language is not conclusive on that point, next year we will have language specific enough to cover it? Was it the intention of the members of the conference to provide specific language to make it clear if it is not clear?

Mr. LONG of Louisiana. It was assumed that since a league signs television contracts, therefore the league would not be permitted to engage in such a contract and thereby we would protect high school football teams playing games on Friday night. Someone pointed out that while it was not specifically provided that neither the league nor any team in the league would be permitted to enter into such a contract, that matter was not in conference, but we agreed that it should be tightened up next year if it were necessary.

Inasmuch as the item was not in conference, we did not pass on it under the circumstances, but we wanted an understanding of our intent on the record. But next year the Congress might provide language, if necessary, so there will be no doubt about it at all.

Mr. SMATHERS. If the Senator will yield further, we felt it was not as necessary this year as it might be next year for the simple reason that television contracts have already been made for this year and, so far as we were able to ascertain, very few, if any, provisions have been made for teams in football leagues to telecast games back to where high school games are going on.

Mr. LONG of Louisiana. It was our thought that high school teams are protected from now until next September. By next September we would have an opportunity to close any loopholes that may exist.

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

Mr. LONG of Louisiana. I yield.

Mr. CARLSON. I wish to associate myself with the remarks made in the colloquy between the Senator from Florida [Mr. SMATHERS] and the Senator from Louisiana [Mr. LONG] with regard to the discussion of the language on the football merger which was in conference. As a conferee, I agree with the statement made by the Senator from Florida as to the intent that there will not be a televising of professional football games on Friday nights in areas where it would seriously affect high school football games. As was stated, we anticipate no difficulty with this problem, but if any develops, we will be ready in the next session of the Congress with clarifying language, which we were unable to do at this time because the matter was not in conference.

Mr. LONG of Louisiana. We think the teams are cooperating in good faith.

When we passed the original legislation on this subject, the Senate committee report showed it was the legislative intent of that bill to see to it that teams would not be permitted to televise their games in competition with high school

games. I might read from a part of that report:

The committee adopted an amendment amending Public Law 87-331, which granted professional team sports an exemption from the antitrust laws to permit them to pool their separate television rights. The amendment prohibits professional football teams from telecasting their games into areas where high school games are played in the times set aside for intercollegiate football games in Public Law 87-331.

The committee is of the opinion that this amendment is necessary to obviate the great disadvantage that could result to high school football programs and to other high school athletic programs for which football provides financial support if there is competition from televised professional football games.

The committee is aware that the amendment does not cover those instances where member teams of a professional football league contract independently of the league for the telecasting of their games. The committee views the practice of telecasting professional football games at those times traditionally used for the playing of high school and college football games as a threat to the scholastic athletic programs.

The committee intends to follow closely all developments in the organized professional team sports, including those areas where proposals have been suggested. If abuses do occur it will then recommend that remedial action be taken. Certainly the exemptions granted to the team sports involved constitute an obligation on them to act in the public interest.

To continue with my statement, this is much like a similar rule which presently applies with respect to intercollegiate football games. The conferees were concerned that this provision may not prevent individual professional teams from televising games during specified times. However, this is a matter which was not in the bill passed earlier by the Senate and therefore was not included in the amendment offered to this bill by Senator DIRKSEN. For that reason, this matter was not in the jurisdiction of the conference. We hope that Congress will watch this situation closely in the event that further legislation to circumscribe telecasts by individual professional teams is found to be necessary.

A series of amendments involved the effective date of the bill which had been moved forward to October 10, 1966, by the Committee on Finance in order to offset some of the retroactive character of an effective date earlier than the date of enactment. The House conferees argued against the Senate's change in the effective date. However, the Senate conferees insisted that an effective date earlier than the day when the committee even considered the subject in executive session was grossly unfair to business, and its views finally prevailed. So, finally the House receded on the amendments relating to the effective date.

The House conferees, however, in agreeing to the effective date change, insisted that there be no concessions that would single out specific industries for special treatment. They maintained that the suspension should affect all industries to some degree; in other words, they believed that each industry should make some sacrifice as its contribution to the

struggle in Vietnam and against inflationary pressures. In view of these considerations and the belief that the change in effective date had been a concession to industry across the board, the Senate conferees receded on the amendments affecting the transportation industries and selected other activities. As a result, the Senate receded on all of the amendments which would allow exceptions to the suspension of the investment tax credit. These amendments were the exception for freight carrying railroad rolling stock, the exception for highway trailers and semitrailers, the exception for railroad rolling stock specially designed for use in local or suburban commuter services, the exception for cargo aircraft, the exception for the construction of ultrahigh frequency television broadcasting stations and the amendments which would exempt urban housing projects that would be constructed on nonnavigable waters.

A somewhat different issue arose with respect to the amendment providing limitations upon general exceptions from the suspension for personal property and construction. The Senate had adopted committee amendments which raised the limitation on the property eligible for the investment credit exception from \$15,000—as provided in the House bill—to \$25,000 and the amendment which provided a limitation of \$100,000 on construction. Both amendments would allow one such exception to the taxpayer during the suspension period.

As the Senate knows, exceptions for minimum amounts of investment in property eligible for the investment credit and for accelerated depreciation were placed in the bill to furnish some relief for various small businesses and farming, which have been hit hardest by the tight money policy which has prevailed during the past year. The conferees from both Houses agreed upon the desirability of these exceptions, but there was dispute concerning the level of the limitation. While the House conferees agreed that some exceptions were desirable from the standpoint of public policy, they would not go along with the limitations established in the Senate bill. Accordingly, the conferees retained the concept of exceptions primarily for the benefit of smaller scale business and farming operations, but they reduced the limitation from \$25,000 to \$20,000 for the investment credit, and in the case of accelerated depreciation from \$100,000 to \$50,000. In effect, the conferees compromised halfway between the positions of the two Houses on these amendments.

I am pleased to note that the Senator from Kansas [Mr. CARLSON] is present, because he was very anxious to raise these limitations from the House figures. In arriving at the \$20,000 investment credit limitation figure, we feel that, while the figure is a compromise, we did provide substantial relief for small businesses and farming operations.

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

Mr. LONG of Louisiana. I yield to the Senator from Kansas.

Mr. CARLSON. Mr. President, I share the views of the chairman with respect to the exemption of \$20,000, what I call a small business exemption, dealing with purchases by farmers in the way of machinery and equipment and of business people in small industries. I think it will be very helpful. I also think the section providing \$50,000 accelerated depreciation for the construction of buildings will be most helpful to what I call the small people, the small industries in this Nation, as well as to agriculture.

As the distinguished chairman well knows, I hoped the investment credit limitation would be \$25,000, because I think it can be demonstrated that \$25,000 is not a large amount to invest, even in agriculture, for the operation of farms and ranches; and that is certainly true in small industries, even such as milk processing plants, tool machinery plants, laundries, and many other types of small manufacturing or service businesses. But I was pleased to sign the conference report with the \$50,000 limitation for accelerated depreciation, which I think will also be helpful to both groups.

Mr. LONG of Louisiana. I thank the Senator. I do think that was a very good amendment, and I think the conference was well advised to agree to the \$50,000 figure.

The Senate receded on the amendment that would require a 200,000 reduction of civilian employment in the Government below the September 30, 1966, level. This reduction would have been carried out by filling one out of every four civilian vacancies. The conferees were informed that it would be extremely difficult to carry out and would seriously disrupt the smooth functioning of Government administrative processes.

It was pointed out that 85 percent of the recent civilian employment increase originated in three agencies: the Defense Department, where civilians had been hired to replace military personnel who then were released for purely military duties; the Post Office, which is experiencing an unusually large increase in mail volume and where it is less expensive to hire additional personnel than it is to schedule large amounts of overtime; the Social Security Administration, which hired additional staff to fulfill its responsibilities under the medicare program. The weight of the amendment as a result would fall primarily upon approximately 800,000 civilian employees. It was clear that this is too small a base to reduce by 200,000 persons. Accordingly, the Senate conferees receded on this amendment.

Mr. President, we believe we have returned with a conference report that provides a very good bill. As the bill stands now, it is a tight bill that will help to restrain the inflationary margin of the high level of investment we presently enjoy in a full employment economy. The bill affects all industries without discriminatory exceptions for special industries. At the same time, there is a small margin of exception which continues to allow the investment credit for \$20,000 of personal property investment and accelerated depreciation for \$50,000 of construction. While the chief beneficiaries

would be the smaller enterprises in the country, the exception is available generally to all businesses and farming operations.

While the Senate conferees receded on several important amendments, they succeeded in maintaining the Senate position on the great majority. The conference report provides us with a bill well designed to carry out its objectives. I urge the Senate to adopt the conference report.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. SMATHERS. Mr. President, the conference committee has completed its work on the bill embodying President Johnson's request that the Congress suspend the 7-percent investment credit and accelerated depreciation until 1967. A word is in order at this time to commend the conference committee for its excellent work.

The committee has reduced the exceptions which were added to the bill by the Senate. We as Senate conferees attempted to uphold the position of the Senate with respect to the exceptions on transportation. We recognize there is much competition between the modes of transportation in our society today; and we like that competition. There is keen competition between rails, trucks, and airlines.

The feeling was, however, on the part of the House conferees and some of the Senate conferees, that it would be discriminatory for us to except one mode of transportation without excepting all. Therefore, the conference saw fit to drop them out.

To be effective in meeting the President's objectives of reducing the inflationary pressures which the high rate of business investment is creating, our legislation must be broadly applicable.

I recognize that there were sound reasons supporting all the exceptions. But most exceptions must clearly be held subordinate to the compelling need of the economy, which is for the stabilizing influence that suspension of the investment credit and accelerated depreciation can provide. We must keep it firmly in mind that what we are doing is suspending tax advantages for certain activities which are contributing directly to inflationary pressures. We are not suspending the activities themselves; rather we are trying to moderate their rate of growth.

The conference committee has given us a clean bill. It is very close to what the President asked for. It gives us every reason for confidence that it will produce the results the economy needs. At the same time, it provides safeguards for farmers and small businessmen, who are not as well able to adapt their operations and plans to the 15-month suspension.

The conference committee carried out its task admirably. I should like at this time particularly to commend the distinguished chairman of the Finance Committee, who was our chairman in the conference, the Senator from Louisiana [Mr. LONG] and the chairman of the House Ways and Means Committee, Representative MILLS, as well as all the members of

the conference committee, for their very statesmanlike approach to this particular conference; and I ask unanimous consent that the names of all the conferees be printed at this point in the RECORD.

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

Number and date sent to conference: H.R. 17607, October 14, October 17.

Brief of title: Investment tax credit.

CONFEREES

Senate

Messrs. LONG of Louisiana, SMATHERS, ANDERSON, WILLIAMS of Delaware, and CARLSON.

House

Messrs. MILLS, KING, BOGGS, KEOGH, BYRNES of Wisconsin, CURTIS, and UTT.

Mr. SMATHERS. Mr. President, I urge the adoption of the conference report.

Mr. CARLSON. Mr. President, it was a privilege to have served on this conference, and I commend our distinguished chairman, the Senator from Louisiana, and also the distinguished chairman of the House Ways and Means Committee [Mr. MILLS], for the fine way in which the conference was conducted and held.

It is true that we on the Senate side fought hard for the amendments we had adopted in the Senate, and tried to preserve the Senate position, but unfortunately we were unable to do so in many cases. I particularly regretted that the House had taken out some of the amendments I thought were essential when it came to dealing with transportation, because we do have a problem in the transportation field at the present time. But the House conferees adamantly refused to accept them, and therefore we had to abide by their decision on that particular matter.

Many of the features in the conference report I heartily approve of. For that reason, I signed the report, and am pleased with it. I hope it will be adopted unanimously.

I do wish to say, however, that when this bill, H.R. 17607, was presented to the Finance Committee and to the Senate for final action, I was not happy with it. I voted against it on the final vote on the Senate floor. I did so for the reason that I have grave doubts that it will be effective and carry much weight when it comes to assisting to reduce inflationary pressure.

However, I hope I shall be disappointed in that expectation as the provisions of the bill become operative. At any rate, the suspension will expire on December 31, 1967.

I think, based on the increase in the cost-of-living index released yesterday, it is evident that we need some very definite action in this country to prevent inflation from destroying much of the value of the American dollar and of the purchasing power of this Nation. I do not think this bill will be very effective. I think the conferees wrote in some amendments that will be helpful; and, having signed the conference report, I support it and hope for the best.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. JAVITS. Mr. President, I shall be very brief. I know the Senate is eager to act on the report.

I felt, in voting for this very limited measure, that we were not dealing directly with the inflationary threat in an effective and adequate way, and that this measure may prove to be counterproductive, because we may need this very stimulus, in a somewhat declining economy, at the very moment when it will be suspended.

Mr. President, it is my belief that we should have had a temporary across-the-board Vietnam tax increase and that it is not too late now in lieu of what we are doing. However, this is the only measure offered at the present time and even a crumb is better than nothing.

I say to my colleagues on the Finance Committee and on the Joint Economic Committee, of which I am the ranking minority member, that I think we ought to be very alert to what is happening in the economy in the next 3 months.

I think we ought to be fleet of foot. I hope we will not be afraid to initiate measures ourselves if, upon the findings of the President's Economic Report and other indicia in the country, we feel in January the way so many of us feel now with regard to the inadequacy of this measure.

In addition, we should ourselves lift the suspension sooner than it is scheduled to be lifted if we think this should be done.

I urge the President during the adjournment of Congress, if necessary and if he thinks he has the statutory authority to institute a voluntary credit restraint program in line with the program in effect during the Korean war. If he does not, he should ask Congress for this authority. I have already introduced such legislation which has been pending before the Senate Banking Committee since August. The rising interest rates weigh very heavily when we consider the failure to take elementary measures to ration credit in the country. There is plenty of credit in the country, but much of it is not going to the right places.

We are not making the progress that we need to make on the economic front. In dealing with the present international currency reserves, we are gravely imperiled. We are still trying to deal with international monetary reform in the back room with nine other central bankers.

Time will not wait for us. Bank failures, such as the one we witnessed the other day, in Lebanon, are a bad sign.

I hope very much that while we are home the administration will get on the ball on these things.

The people would like such action. This is a new world. The people are not the suckers that they were formerly when we had to give them the good news before the election and the bad news after the election. The people know a thing or two and can accept the news.

I hope that, as we approve the report and go home, we and the administration keep these thoughts very much in mind.

Mr. President, I ask unanimous consent that a story which appeared in the New York Times this morning on the

current inflationary situation may be printed in the RECORD.

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

TAX RISE IF INFLATION GROWS IS URGED BY JOHNSON PANEL—LABOR-MANAGEMENT UNIT FAVORS SPENDING CUTS—CONSUMER COSTS UP

(By David R. Jones)

WASHINGTON, October 20.—A Presidential committee has recommended more Government spending cuts and a follow-up increase in individual and corporate taxes if the Administration's present programs do not curb inflation.

The panel also contended that recent interest rate increases had added to inflation, and urged the Administration to consider applying selective credit controls if the spending cuts and tax increase do not work.

Authoritative sources said the recommendations were submitted to President Johnson on Oct. 10 by the President's Advisory Committee on Labor-Management Policy, composed of 21 leading labor, business and public figures.

One of President Johnson's anti-inflation programs, a bill suspending tax incentives for business investment, was passed tonight by the House.

The Labor Department, meanwhile, reported that the Consumer Price Index rose slightly in September, largely because of higher prices for women's apparel, a further increase in mortgage interest rates and higher medical care costs. Arthur M. Ross, commissioner of the Bureau of Labor Statistics, told newsmen that he expected consumer prices would go up less in 1967 than they have in 1966. He estimated the overall increase for 1966 at 3.5 per cent.

The Labor Department said that the index, based on the prices of the 1957-59 period, has risen three-tenths of a point in September to 114.1.

The figures mean that the products and services that a typical city family could have bought for \$10 during the base period now cost \$11.41.

The September increase was two-tenths of a point less than the increase recorded in August and brought the total increase in consumer prices since September, 1965, to 3.5 per cent.

Food prices dropped last month by two-tenths of 1 per cent. This was attributed by Labor Department spokesmen to a "substantial decline" in the prices of most fresh fruits and vegetables.

Apparel prices in September rose an average of 1.4 per cent, and the increases were particularly noticeable in the prices of women's and girls' clothes. Apparel prices usually do go up in September, because of the introduction of the new fall and winter lines, but the increases of last month were greater than normal for September.

Although the inflation report reached the White House before President Johnson departed on his 17-day Far Eastern trip, it has not been made public. The White House did make public last Sunday a report in which Secretary of the Treasury Henry H. Fowler gave an optimistic assessment of the economy and the price outlook.

The committee's report was one of several it is preparing in response to President Johnson's public appeal to it last May for "constructive suggestions" on how to meet inflation, which at the time he called "the crucial domestic issue of the day."

The White House in August made public without comment a committee report on wage-price guideposts, but gave no explanation today for not releasing the latest report.

The report is significant because it represents a consensus of a tripartite committee of members with varied economic views that includes Secretary of Commerce John T.

Connor and Secretary of Labor W. Willard Wirtz.

The sources said the committee emphasized the need to pursue the twin goals of price stability and full employment, and noted that President Johnson recently announced plans to cut Government spending by \$3-billion to curb rising prices.

But it called for more spending cuts and tax increases to cool the economy if the President's program proved inadequate, the sources said.

The report did not specify how much inflation was too much, or when its proposals should come into play, the sources said. The committee also refrained from specifying the size of a spending cut or tax increase that might be appropriate, they added.

If the President's planned spending cuts are not adequate to halt inflation, the committee said, then expenditures on the space program, highway construction, river and harbor projects, and domestic agricultural programs should be deferred or stretched out. Such a move should not impair current efforts to improve the quality of life in the nation, it said.

If the spending cuts are insufficient to curb inflation without interfering with domestic and Vietnam war commitments, the committee said, then the Government should impose a temporary surtax of equal size on both individuals and corporations. Such a surtax would not apply to low income families, the committee said.

Consumer Price Index—U.S. Department of Labor, Bureau of Labor Statistics
[1957-59=100]

	Index for September 1966	Percentage change from—		Point change from August 1966
		August 1966	September 1965	
UNITED STATES				
All items.....	114.1	+0.3	+3.5	+0.3
Food ¹	115.6	-.2	+5.4	-.2
Housing ²	111.8	+3	+2.9	+3
Apparel and upkeep ³	110.7	+1.4	+3.3	+1.5
Transportation.....	113.3	-.2	+2.1	-.2
Health and recreation.....	119.9	+3	+3.5	+4
Medical care.....	129.4	+8	+5.4	+1.0
Personal care.....	113.0	+3	+3.5	+3
Reading and recreation.....	117.5	+1	+2.4	+1
Other goods, services.....	115.7	+2	+2.7	+2
NEW YORK CITY				
All items.....	117.3	+5	+3.9	+6
Food ¹	116.3	-.1	+5.0	-.1
Housing ²	116.4	+3	+2.6	+4
Apparel and upkeep ³	115.1	+3.9	+2.5	+4.3
Transportation.....	113.7	-1.0	+5.4	+1.1
Health and recreation.....	125.2	+1	+4.4	+1
Medical care.....	131.9	+2	+7.0	+2
Personal care.....	111.2	+4	+2.9	+4
Reading and recreation.....	126.7	+2	+2.1	-.3
Other goods, services.....	123.8	+2	-4.0	+3

¹ Includes restaurant meals.

² Includes hotel and motel rates, home purchase, and other home-owner costs not shown separately.

³ Includes infants' wear, sewing materials, jewelry, and apparel upkeep not shown separately.

The sources said the committee also favored giving the President the authority to restore on short notice the 7 per cent tax credit on business investment. Congress now is considering legislation to suspend the credit, at the President's request, as part of the Administration's anti-inflation move.

The sources said the committee expressed the hope that these programs would end the rise in interest rates, if not prompt reductions. The committee reportedly said that

the rising interest rates had placed an undue burden on home buyers and builders and small businessmen, and had fed inflation by adding to costs and carrying charges.

The committee also suggested that the Administration undertake a study on the feasibility of selective credit controls, the sources said. Such controls apparently would seek to make distinctions between borrowers whose needs were important to the country and those whose needs were less urgent. But the sources said the committee did not spell out how the distinction would be made.

The committee was set up in 1961 by President Kennedy, but fell into disuse under President Johnson because it did not fit into his personal style. Mr. Johnson revived and reconstituted the panel last May, when inflation was a growing threat, after an 18-month hiatus.

FOOD COSTS OFF IN CITY

The average housewife in the New York metropolitan area spent slightly less on food in September than in August, the regional office of the Department of Labor reported yesterday. But that same housewife, if she went shopping for fall clothes, found higher price tags all along the racks.

The cost of women's and girl's wearing apparel rose 7.9 per cent in September from August and was one of the key factors in an over-all increase in the Consumer Price Index here of 0.5 per cent.

Herbert Blenstock, regional director, said the latest over-all increase carried prices to a level 3.9 per cent above September of last year. In addition to clothes, the costs of housing, medical and personal care were up.

Food prices, Mr. Blenstock said, dipped 0.3 per cent last month with fruits and vegetables declining 3.2 per cent. He pointed out that food prices normally decline at this time of year and should remain steady or decline the remainder of the year.

The family that ate round steak, potatoes, tomatoes and coffee in September found prices for those items lower than in August. But the family that bought porterhouse steak, spinach, ice cream and milk paid higher prices.

Mr. Blenstock said that chicken continued to be a very good buy for families watching costs.

Mr. Blenstock said that in September, the cost of restaurant meals increased by 0.3 per cent and was 4.3 per cent higher than a year ago. Over-all food prices were 5 per cent higher than September, 1965.

The PRESIDING OFFICER (Mr. Young of Ohio in the chair). The question is on agreeing to the conference report.

The report was agreed to.

Mr. MANSFIELD. Mr. President, Senators MAGNUSON and JACKSON are detained on official business. They want the record to show that they are opposed to the conference report on H.R. 17607, providing for the suspension of the investment tax credit and allowance of accelerated depreciation on certain real property, and that if there had been a rollcall vote on the conference report, they would have been paired in opposition and would have voted "nay."

CHANGE OF CONFeree

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the senior Senator from Georgia [Mr. RUSSELL] be relieved of his responsibility as a conferee on H.R. 18381, the supplemental appropriation bill for 1967, and that the Chair appoint the senior Senator from

Oklahoma [Mr. MONRONEY] to serve as a conferee on that measure.

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

FOREIGN INVESTORS TAX ACT OF 1966—CONFERENCE REPORT

Mr. LONG of Louisiana. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill, H.R. 13103, to amend the Internal Revenue Code of 1954 to provide equitable tax treatment for foreign investments in the United States. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of Oct. 20, 1966, pp. 28241-28242, CONGRESSIONAL RECORD.)

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may withdraw that request temporarily.

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

SENATOR HARRY F. BYRD

Mr. MONRONEY. Mr. President, the death of Senator Harry F. Byrd has removed from the American scene one of its best known and most respected Senators.

Few men have had the privilege to serve in the Senate with such distinction or to leave such an indelible mark upon the times in which he served.

His leadership in his State began when he entered the Virginia State Senate in 1915 and continued through his remarkable service as Governor of the Old Dominion State. His 33 years in the U.S. Senate was terminated only by his serious illness.

Throughout all this long service, Senator Byrd fought for the ideals in which he believed. He was one of the best informed Members of this body and his work extended throughout the wide spectrum of governmental affairs.

Senator Byrd was a man of great courage. He was a great champion of sound fiscal policies and a chief advocate of a pay-as-you-go principle.

The leadership of Senator Byrd established in Virginia a following that was personally devoted to him and that took its bearings on political philosophy from his actions and his services as Governor and later as the senior Senator from that State.

While Senator Byrd worked on the Washington scene, his State followed closely in his footsteps out of its respect and affection for his character and his personality.

Senator Byrd's friendships extended throughout the entire State. Members who politically espoused far different ideas of government loved and respected him as a dear and devoted friend. This was because of his gentle personality and consideration and courtesy in debate and in all his dealings with his Members.

While his death will be a severe blow to his native State, his many admirers in the other 49 States will be saddened by the passage from the American scene of a man of such character, leadership, integrity, and kindness.

To his devoted family and especially to his son HARRY F. BYRD, JR., I extend my sympathy. The record already being made by his son is characteristic of the father's record and thus the service of great distinction will be carried on.

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 bill (S. 2751) for the relief of David R. Slemmon.

The message also announced that the House had passed the joint resolution (S.J. Res. 133) designating February of each year as American History Month, with amendments, in which it requested the concurrence of the Senate.

The message notified the Senate that Mr. LIPSCOMB of California and Mr. RHODES of Arizona had been appointed conferees at the conference of the two Houses on the disagreeing votes thereon to the bill (H.R. 18381) making supplemental appropriations for the fiscal year ending June 30, 1967, and for other purposes, vice Mr. Bow of Ohio and Mr. CEDERBERG of Michigan, excused.

JUSTICE DEPARTMENT TO ATTEMPT CIVIL ENFORCEMENT RE WELFARE FUNDS

Mr. JAVITS. Mr. President, I call the attention of the Senate to the fact that we had quite a set-to last week in the Senate Labor Committee concerning a section of the law which deals with Federal supervision or Federal concern with pension and welfare funds in the union-management field. The specific question was whether the Department of Justice had authority to institute civil suits under a certain section of the law—section 302 of the Taft-Hartley Act.

I insisted that they did. The Department was unsure about it. In view of my insistence, and with the gracious cooperation of the chairman of the Subcommittee on Labor [Mr. YARBOROUGH], we now have a letter from the Department of Justice assuring us that this civil remedy will be tried.

Mr. President, it happens in so many cases that the civil remedy is much better than the criminal remedy. Because of the nature of the case and the higher burden of proof, there is a great reluctance to use a criminal enforcement provision.

The Department of Justice has never used section 302(e), which provides for civil enforcement. They are now prepared to use it. I think this is a measurable advance in this particular field.

Mr. President, I ask unanimous consent that a letter addressed to the chairman of the subcommittee by Acting Attorney General Ramsey Clark under date of October 14, 1966, may be printed at this point in the Record.

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

OCTOBER 14, 1966.

HON. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: During the hearing before your Labor Subcommittee this morning Senator JAVITS asked the Department of Justice witness, Mr. Nathaniel E. Kossack, if the Department had resolved the issue as to whether the Government can sue for an injunction under Title 29, Section 186(e) U.S. Code.

Section 302(e) (29 U.S.C. 186(e)) confers jurisdiction on the district courts to restrain violations of this section. While there is no express prohibition against the Government's instituting such an action, we believe there is a substantial question whether the Congress intended the Government to have standing to bring such a suit. However, the arguments in favor of such standing are sufficiently weighty that the Department is prepared in an appropriate case to litigate the issue. If it is the clear intention of Congress that the Government should have such authority, then it would seem desirable that the statute be amended to make such authorization explicit.

The question of whether, as a policy matter, it is desirable for the Government to have the authority to bring such actions is not within the cognizance of this Department.

We appreciate the opportunity to be of assistance.

Sincerely yours,

RAMSEY CLARK,
Acting Attorney General.

THE 70TH ANNIVERSARY OF THE NEW YORK STATE PODIATRY SOCIETY

Mr. JAVITS. Mr. President, I call the attention of the Senate to the 70th anniversary of the New York State Podiatry Society and the important part which this profession plays in the health of people through the diagnosis and treatment of diseases, injuries, and infections of the human feet.

Mr. President, keeping our citizens on their feet and actively engaged in the mainstream of community life is one of the most important objectives of those in the health care professions. And it is to this fine purpose that the New York State Podiatry Society—currently celebrating its 70th anniversary—is dedicated.

The Podiatry Society was established in 1896 by a special act of the New York State Legislature. Over the years, the organization has grown both in size and stature and today has a membership of more than 1,000 throughout the State.

Podiatry, the science of diagnosing and treating diseases, injuries, and defects of the human foot, has made noteworthy contributions to the health care of our people.

Indeed, the members of the New York State Podiatry Society have personified the profession's pioneering and continuing efforts in the development of new and improved techniques in the treatment of foot disabilities. The podiatrist brings his skills and education to bear in a number of situations involving diagnosis and treatment, ranging from X-rays to surgery.

The vital role played by the podiatrist comes into sharp focus when we recognize that approximately 130 million Americans have suffered, at one time or another, from some form of foot ailment. Moreover, foot ills have cost industry in our Nation hundreds of millions of dollars a year.

Mindful of their mounting responsibilities to the community, the members of the New York State Podiatry Society have provided commendable leadership in advancing programs that seek to assure optimum efficiency in industry.

The society's public service programs are designed to stress the need for close attention to foot care early in life as well as for its efforts to assure the aged of good foot health; and podiatrists throughout the State devote many hours to clinics in hospitals and homes for the aged. In their clinic work, podiatrists have a dual objective. One, of course, is to provide periodic examinations for clinic visitors. The second is to closely observe patients who are bedridden and, wherever possible, to suggest rehabilitation programs that will help these patients get back on their feet.

While the condition of a patient's feet is of primary importance to the podiatrist, he also is deeply concerned with overall physical health, and consequently works closely with others in medicine to give New Yorkers quality and comprehensive health care.

Podiatrists take a keen interest in overall health because physical ailments that affect the entire body often appear first as foot problems. When, in his examination, a podiatrist detects an incipient disease that requires medical attention, he refers the patient to the appropriate specialist.

Foot care, like general medical and dental care, is vital to modern living. And as the New York Podiatry Society marks this important milestone in its history, I join with my colleagues whose names are appended in congratulating this organization and its able and dedicated membership.

I ask unanimous consent that a list of their names may be printed at this point in the RECORD.

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

- Senator ROBERT F. KENNEDY.
- Congressman JOHN W. WYDLER.
- Congressman HERBERT TENZER.
- Congressman SEYMOUR HALPERN.
- Congressman JOSEPH PATRICK ADDABO.
- Congressman BENJAMIN S. ROSENTHAL.
- Congressman JAMES J. DELANEY.
- Congresswoman EDNA F. KELLY.
- Congressman ABRAHAM J. MULTER.
- Congressman EUGENE J. KEOGH.
- Congressman HUGH L. CAREY.
- Congressman ADAM C. POWELL.
- Congressman JONATHAN B. BINGHAM.
- Congressman PAUL A. FINO.
- Congressman RICHARD LAWRENCE OTTINGER.
- Congressman JOHN GOODCHILD DOW.
- Congressman JOSEPH Y. RESNICK.
- Congressman ALEXANDER FIRNIE.
- Congressman HOWARD WINFIELD ROBISON.
- Congressman JAMES MICHAEL HANLEY.
- Congressman SAMUEL S. STRATTON.
- Congressman FRANK HORTON.
- Congressman RICHARD DEAN MCCARTHY.
- Congressman THADDEUS J. DULSKI.

TRIBUTE TO REPRESENTATIVE JOE MARTIN

Mr. JAVITS. Mr. President, as a former Member of the other body, I call the attention of the Senate to the retirement of JOE MARTIN who was Speaker of the House and also minority leader during the 8 years that I served, from 1947 to 1954.

JOE MARTIN is one of the dearest and most estimable human beings that it has ever been my privilege to meet. I have always enjoyed my personal contacts with Speaker MARTIN.

I had the privilege of going into his State, and indeed before his constituency in Fall River, in an effort to express to the people there how I felt about him.

Mr. President, I shall never forget that when I was elected to the Senate, JOE came here on the first day I was present and put his arm around my shoulder. He looked over the Chamber with me and said: "JACK, it is a mighty hard place to get to."

That statement has always stayed in my mind. It is an explanation of why the American people consider these 100 men and women to be really among the elite of the Nation and why this is such a challenging and very exciting place to be. It is a hard place to get to and a hard place to stay in.

I pay this tribute to JOE MARTIN because I regard him so highly. As so many of us are prone to do, I did kick over the traces far more often than I stayed in them. I do feel that I am spiritually one of JOE MARTIN's friends.

I wish him well. There will always be a warm and happy place in my heart for JOE.

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

Mr. JAVITS. I yield.

Mr. CARLSON. Mr. President, I am delighted that the distinguished Senator from New York [Mr. JAVITS] has spoken briefly in regard to the fine services of Speaker JOE MARTIN.

I, too, am indebted to JOE MARTIN for many favors. When I came to the House of Representatives in January 1935, one of the first men to greet me was JOE MARTIN. We were closely associated there for 12 years.

For over 40 years the House of Representatives was the home and the love of Speaker MARTIN.

In the House of Representatives at that time we had two stalwarts whose influence and decisions were in the national interest. One was Speaker RAYBURN, and the other was Speaker MARTIN.

It was a privilege to serve under both of them.

JOE was always kind and generous to those of us who, as the Senator from New York has said, did not go along with him.

There were times when I did not agree with him, but he never held that against me. He always recognized that there were different problems in different areas of the United States.

JOE MARTIN realized that on matters of legislation those from the Eastern area of the country might have a different viewpoint than those from the Midwest.

Quite often I had to disagree with JOE MARTIN on farm legislation. However, at no time did he ever quarrel with me in regard to my views or on the position I took.

He has rendered outstanding service to our Nation and his name will go down in history as one of the great leaders of his time.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that I may be permitted to continue for an additional 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional 2 minutes.

Mr. CARLSON. Mr. President, I appreciate very much the comments that the distinguished Senator from New York has made with respect to Speaker MARTIN. The comments were well deserved.

Speaker MARTIN has been and is a great Member of the House of Representatives. He is a great citizen of Massachusetts and has served in many positions of honor and trust. And one thing must be said about JOE MARTIN—he never betrayed them. The people had a great Representative in him.

Mr. JAVITS. I thank my colleague. I think it is especially important that we have a sense of perspective. It is true that the Speaker will not return, but we know his service, and it is legendary, and it is so fine that we remember and make note of it for posterity.

I thank my colleague very much—it is characteristic of him—for joining me in this tribute.

Mr. President, I yield the floor.

SENATOR HARRY FLOOD BYRD, SR.

Mr. INOUE. Mr. President, to but a few men in any generation, or in the history of any nation, is given such power over and responsibility for the lives of so many people as that held by the Members of the U.S. Senate during the past 30 years.

For out of the depths of the great depression came profound economic changes for this Nation; out of World War II our Nation emerged as the heart and sustainer of the free world; and, now, as we are on the threshold of abundance in material goods, we are in the process of developing a great social evolution in our concept of the role of man, and the meaning of life. In such periods of great decisionmaking, where no answer is certain and where all men must grope and search, our Nation can possess no greater asset in its leaders than that they be knowledgeable, that they have deep and profound convictions, and that they have a conscience that keeps their daily decisions in closest harmony with these guiding principles.

Senator Harry Flood Byrd was such a man. He was able and versatile. Though he was the product of a different milieu than many of us and though we

often disagreed, his beliefs were nonetheless genuine and sincere, consistent with his political philosophy of what was best for the people he represented and the Nation he served.

For this, we here bear him respect and our Nation owes him gratitude. There can be no greater faithful service than that we as Senators lend our talents freely, and serve this Nation in conscience.

We may all profit in the life of Harry Flood Byrd. In sorrow we pay him tribute and to his sons and hosts of friends go our utmost sympathies.

LEVERETT SALTONSTALL

Mr. MONRONEY. Mr. President, the opening of the 90th Congress will find a seat vacant that no other of the Members can fill. It will be the seat vacated by every Senator's dear friend, LEVERETT SALTONSTALL.

During my 16 years in the Senate, I have never known a Senator who was more universally admired by Members, staffers, reporters, pages, and all of the Senate's aids as has been the senior Senator from the Bay State.

His decision to retire after a long and distinguished period of service will leave an irreplaceable void in the lives of all of us who have served with him throughout a part of his long and able service in the upper House.

If it were possible we all would have petitioned him to remain on and to continue to be a mellowing influence and a balance wheel in the two-party system. His sage New England advice and his great and enduring sense of fairness proved on countless occasions the greatness of two-party system because his good humor made it possible for men to reach agreement.

While we wish he would stay on and help us in succeeding years, we cannot deny to him his right to enjoy the fruits of his service to the public extending over some 46 years. This, of course, was nothing new in the life of the Saltonstalls, whose members have filled the highest posts of government, from the earliest Colonial days.

I have had the great pleasure to serve with Senator SALTONSTALL for several years on the Senate Committee on Appropriations. I have also served with him on several subcommittees of that committee. His work has been outstanding as a balance wheel in arriving at solutions of difficult differences which always arise over money matters.

Time after time I have seen him come up with a compromise, bringing out the best of the positions of contending groups and helping to make everyone feel satisfied by the result.

To Senator SALTONSTALL and to Mrs. Saltonstall I wish them all the happiness of their native New England, but with the sincere wish that they will often find it possible to return to Washington to renew the thousands of friendships which have been formed.

The dignity and courtesy, the friendship and spirit, the great sense of fairness of Senator SALTONSTALL will be

deeply missed as will be the leadership he has always exerted in building a strong and a safe America.

REDUCTION OF TROOPS IN EUROPE

Mr. FULBRIGHT. Mr. President, last week I made a brief statement congratulating President Johnson on his New York speech on Europe. Since then, there has been praise from many quarters, including much favorable comment in the press. I wish to direct the attention of Senators to one press editorial that seems to me to be particularly worthy of attention because it points out that it is not only the United States that has reason to consider reducing the number of troops now stationed in Europe. Similar considerations apply to the Russians.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "The Russians Are Coming," published in the October 15 issue of the Economist.

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

[From the Economist, Oct. 15, 1966]

THE RUSSIANS ARE COMING

President Johnson has seen the chance that Chairman Mao and the Red Guards are offering to him, and he has jumped at it. He has now made his bid to coax Russian foreign policy off the dead-center position on which it has been stuck for the last two years. The Russians are afloat again. For the first time since Mr. Khrushchev was sacked there is water under Mr. Gromyko's keel, and it is China that has put it there.

Mao Tse-tung's decision to convert the world at the head of a children's crusade has changed the Russians' calculations in two ways. Like the Americans, they now wish that less of their army were square-bashing in Europe when it could be doing serious duty in Asia. They have lately been putting the story around that they have had to send four extra divisions to Siberia to guard their border against Chinese demonstrations. One purpose of this autumn's Warsaw Pact maneuvers has been to reassure Russia's nervous east European allies that it is safe for the Russians to take part of their army out of Europe because it can always be air-lifted back in an emergency. It is the mirror-image of the Americans' Big Lift, in 1963. The Antonov-22 troop transport plane is Russia's equivalent of America's C-5—a promise of quick-delivery airborne help in time of trouble, if trouble unexpectedly comes. So the Russians have reasons for wanting a stabilised Europe. More important, what has been happening in China has taken most of the sting out of Chinese criticisms about Russian collaboration with the United States. Nobody in the third world, or in the communist world for that matter, is going to pay much attention to anything China says while it is behaving like one great big campus riot. China's opinions will start being listened to again in Asia and Africa when the Red Guards have quieted down. But for the moment Mao's power to embarrass the Russians has sharply diminished. Mr. Kosygin has regained his freedom of maneuver, if he wants to use it.

Mr. Johnson's speech in New York on October 7th (see page 257) was an invitation to use it. What was important about the speech was not the collection of economic tit-bits the President held out to the Russians and east Europeans. Most of these would do no more than bring the Americans

into line with what the west Europeans are already doing in their trade with the communists. These were cocktail snacks. The really important part of the speech was what it said, between the lines, about Mr. Johnson's order of priorities in the world. The message came through pretty clear. The United States now ranks its relations with Russia above those with Germany. The order of the last fifteen years has been reversed. If the Russians are willing to do business with the Americans despite the Vietnam war, then Mr. Johnson is willing to do business with the Russians despite the opposition this will arouse in Germany. The Germans used to be the lynch-pin of American policy in Europe. They are now relegated to the status of a little local difficulty, to be handled by the techniques of persuasion that Mr. Johnson uses on all such problems.

The change has been in the making since last year. First it became clear that the scheme for a Nato nuclear fleet with Germans aboard had been sunk: the ANF rammed the MLF and then scuttled itself. Then in July Mr. Johnson called for a compromise between the rival American and Russian drafts of a non-proliferation treaty, with the implication that this compromise would make it hard for the Germans even to claim a place in any other joint nuclear force that might just conceivably be dreamed up in the future. Mr. Gromyko hinted in Washington on Tuesday that some progress has been made towards a compromise. Last month Herr Erhard discovered on his trip to Washington that the Americans are going to cut their army in Germany if the Germans do not pay the full foreign currency cost of keeping it there (and they almost certainly cannot afford to pay that much). The Americans have good reasons for wanting to thin out their army in Germany, whatever the Russians do. But the Russians probably have their own reasons for wanting to thin theirs out too. China has made both of them realise that the military dispositions they made during the cold war look pretty silly now the cold war is over. So once again there emerges the shape of a mutually convenient Russian-American deal fixed up over the Germans' heads. And last Friday, as if this were not enough, President Johnson brought his boot down neatly on the most sensitive German corn of all. Germany cannot be reunited, he said, until Russia and the West are reconciled. It sounds obvious. But it is the exact opposite of what Dr. Adenauer and his friends have always said and are still saying—that if the Russians want a reconciliation they must do something about German unity first.

The Russians can read between the lines. They can see what all this adds up to. So can the Germans, and there are a lot of people in Germany who will not like it. The line Mr. Johnson has taken will strengthen the arguments of those who want German foreign policy to strike out in new directions. It will increase the opposition to Herr Erhard inside his own party. It could even tip the scales against his chances of holding on to the chancellorship. But Mr. Johnson seems to have decided that none of this presents an unmanageable problem for American policy.

He is probably right; and he is certainly right to make the try. The Germans who oppose the Johnson line include some formidable politicians, but they are only one section of one party. The Social Democrats and the Free Democrats in Germany will go along with a policy of reconciliation; so will part of the Christian Democratic Union. The next German elections may show an explosion of nationalist revolt on the right wing. But Mr. Johnson is a formidable politician himself, and he has presumably made his own calculations. He knows that the German opponents of what he is trying to do are still a fairly small minority. He also

knows they have no plausible alternative to offer. They talk of turning to France. But how many of them really believe that France as an ally is any sort of substitute for America? They know it isn't, and the Americans know they know. It is a calculated risk, but the odds are that Mr. Johnson has got it right. There may be an explosion of German indignation, but it is an explosion that can be contained.

So the President has made his bid. If the Russians will come across, he will come across. Will they? If Mr. Johnson were asking them to abandon their support for North Vietnam, the answer would be no. Russia can deal with America only as one power with world-wide interests dealing with another power of the same class. If Mr. Kosygin and Mr. Brezhnev washed their hands of south-east Asia (as Mr. Khrushchev tried to wash his) they would be forfeiting their claim to equality of status with America. They will not do business on those terms. But Mr. Johnson is not asking them to cut off their help—such as it is—to North Vietnam. It would not stop the war if they did. Nobody on the communist side can stop the war except the North Vietnamese. The North Vietnamese will call it off if and when they decide that the cost of going on fighting is greater than their diminishing hopes of victory warrant. If and when they do move towards such a decision, it will be useful for the Russians to carry enough weight in Hanoi to push events in the right direction. That is the limit of their power. It would be pointless for Mr. Johnson to ask them to sell the North Vietnamese down the river. He is not. He is proposing that the war should not be allowed to prevent agreements on other fronts.

The Russians are plainly tempted. On Tuesday Mr. Gromyko showed his interest in the American offer of a compromise on the non-proliferation treaty. Last week the Russians withdrew one of the last-minute obstacles they had thrown up in September to the signing of the treaty on the peaceful use of outer space. But whether they can carry themselves over the brink of actually signing either document on the dotted line depends on how they think their supporters in the communist world will react to this fraternisation with the Vietnam enemy. For two years, abused by the Chinese and abusing the Americans, Russia has not really had a foreign policy at all. Its substitute for a policy has been to build up its position as the leader of the international communist movement against the challenge of the Chinese. It has not done at all badly. It has managed to gather most of the brood under its wing. It now has to decide whether they will stay there if it does a deal with America.

This is where Mr. Kosygin, like Mr. Johnson, has good cause to give thanks to Chairman Mao. China's lurch to extremism has given almost as much offense inside the communist world as it has outside it. It has created a new emotion in communist breasts which to some extent neutralises the anti-Americanism that has been dominant in the last two years. It has made most European communists remember that their chief concern is to get a stable settlement in Europe. It has made a lot of Asian communists remember that their chief concern is what the growth of Chinese power means for them. The sight of China running amok has made all of them think more in terms of national power interests and less in terms of ideological solidarity. The Russians will get protests and denunciations from some of their supporters if they move towards the reconciliation Mr. Johnson is offering them. But, like Mr. Johnson with the Germans, they can probably keep the trouble under control. This is why Russian foreign policy is floating free again. It looks as if it may be moving towards another experiment at co-operation with the West. If

it does, Mao will have given new life to the thing he hates.

THE NEW JERSEY ASSOCIATION OF SECONDARY SCHOOLS AND POLITICAL SCIENCE EDUCATION

Mr. CASE. Mr. President, on behalf of myself and Senator WILLIAMS, of New Jersey, in order to make the Members of the Senate familiar with the objectives and supporters of the New Jersey Association of Secondary Schools and Political Science Education, I ask unanimous consent to have certain informational material printed in the RECORD.

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

STATEMENT OF AIMS AND OBJECTIVES

The purpose of this Association is to establish an Institute of Practical Politics and Government at Trenton State College, Trenton, New Jersey. The Institute will be the center for the New Jersey Association of Secondary Schools for Political Science Education and will serve as the vehicle to carry out the following objectives:

Improve the future political and governmental structure by encouraging qualified high school students to consider politics and public service as a career.

Give young men and women an opportunity to become acquainted with candidates seeking office and to focus student interest and concern upon the most challenging political, economical, and social problems facing the municipalities, counties, states, and the nation.

Advance and improve the study and teaching of political science.

The Institute will also serve as regional headquarters for the creation of sister associations in New York, Pennsylvania, Delaware, and Maryland.

The following people have endorsed the New Jersey Association of Secondary Schools for Political Science Education:

President Harry S. Truman.
Vice President HUBERT H. HUMPHREY.
Nicholas B. Katzenbach, Under Secretary of State.
John T. Connor, Secretary of Commerce.
Robert C. Weaver, Secretary of Housing and Urban Development.
William J. Brennan, Justice of the U.S. Supreme Court.
Ambassador Arthur J. Goldberg, U.S. Representative to the U.N.

GOVERNORS

Richard J. Hughes, State of New Jersey.
George Romney, State of Michigan.
Nelson A. Rockefeller, State of New York.
Roberto Sanchez Vilella, Commonwealth of Puerto Rico.

SENATORS

CLIFFORD P. CASE, New Jersey.
HARRISON A. WILLIAMS, Jr., New Jersey.
EVERETT MCKINLEY DIRKSEN, Senate Minority Leader.

JACOB K. JAVITS, New York.
EDWARD M. KENNEDY, Massachusetts.
ROBERT F. KENNEDY, New York.

MEMBERS OF THE HOUSE OF REPRESENTATIVES

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Representative GERALD R. FORD.
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Representative WILLIAM B. WIDNALL.
Representative CHARLES S. JOELSON.
Representative HENRY HELSTOSKI.
Representative PETER W. RODINO, Jr.
Representative JOSEPH G. MINISH.

Representative PAUL J. KREBS.
Representative CORNELIUS E. GALLAGHER.
Representative DOMINICK V. DANIELS.
Representative EDWARD J. PATTEN.

MEMBERS OF THE NEW JERSEY STATE LEGISLATURE

Senator Sido L. Ridolfi, Majority Leader of the New Jersey State Senate.
Speaker Maurice V. Brady, New Jersey Assembly.

Assemblyman Raymond H. Bateman.
Assemblyman Robert N. Wilentz.

NEW JERSEY MAYORS

John V. Lindsay, New York City.
Hugh J. Addonizio, Newark.
Thomas J. Whelan, Jersey City.
Walter J. Davis, Bloomfield.
Thomas G. Dunn, Elizabeth.
William E. Lovell, Irvington.
James Flynn, Jr., Perth Amboy.
Joseph M. Healey, Kearny.
Alexander Wrighey, Linden.
Robert Ferris, Montclair.
Paul G. De Muro, Passaic.
Robert C. Maddox, Plainfield.
Henry Gorton, Vineland.
John R. Armellino, West New York.
James J. Sheeran, West Orange.
Arthur Holland, Trenton.
F. E. Blertuempfel, Union.
Nicholas Franco, Orange.
Chester W. Paulus, New Brunswick.

NEW JERSEY EDUCATORS

Bishop John J. Dougherty, Seton Hall University.
Dr. Robert F. Goheen, Princeton University.
Dr. Mason W. Gross, Rutgers University.
Dr. Donald Herzberg, Eagleton Institute of Politics.
Dr. Thomas E. Robinson, Glassboro State College.
Dr. Eugene G. Wilkins, Newark State College.

INTERESTED CITIZENS

Richard Cardinal Cushing, Douglas Dillon, James Farley, Leonard W. Hall, James A. Michener, Richard M. Nixon, Theodore C. Sorensen, Arthur Schlesinger, Jr.

PROFESSIONAL POLITICIANS

Edward W. Brooke, Attorney General of Massachusetts.
John M. Bailey, Democratic National Committee.
Ray C. Bliss, Republican National Committee.
Robert J. Burkhardt, New Jersey Democratic State Committee.
Webster B. Todd, New Jersey Republican State Committee.

NEW JERSEY BUSINESSMEN

Edward E. Booher, President, McGraw-Hill Book Company.
William J. Doyle, President, M. J. Doyle, Inc.
Henry Gadsden, President, Merck & Co., Inc.
G. O. Lienhard, President, Johnson & Johnson-Worldwide.
Robert D. Lilley, President, New Jersey Bell Telephone Co.

NEW JERSEY ORGANIZATIONS

Mr. Franklin H. Berry, President, New Jersey Bar Association.
Mr. Robert H. Fust, Executive Director, New Jersey State League of Municipalities.
Dr. Frederick L. Hipp, New Jersey Education Association.
Dr. Evron M. Kirkpatrick, American Political Science Association.
Joel R. Jacobson, New Jersey State AFL-CIO.
Leonard C. Johnson, New Jersey Manufacturers Association.
Richard Lothian, New Jersey Bankers Association.

Orin F. Nolting, International City Managers' Association.

Mary Louise Nuelsen, League of Women Voters of New Jersey.

Ruth H. Page, State Federation of District Boards of Education, New Jersey.

Mrs. Oakford A. Schalick, New Jersey Congress of Parents and Teachers.

Richard Armstrong, Effective Citizenship Organization.

ACADEMIC-POLITICAL ADVISORY COMMITTEE TO THE NEW JERSEY ASSOCIATION OF SECONDARY SCHOOLS FOR POLITICAL SCIENCE EDUCATION

Mr. Donald Herzberg, Eagleton Institute of Politics, Rutgers, University.

Dr. Norman W. Beck, Jersey City State College.

Mr. Maurice C. Blanken, Glassboro State College.

Dr. Charlotte C. Brown, Paterson State College.

Dr. Sidney Burrell (Barnard College-Columbia University).

Dr. Joseph F. Carroll, Trenton State College.

Mr. William Deitz, Administrative Assistant, Office of Rep. FRANK THOMPSON, JR., 2442 Rayburn Building, Washington, D.C.

Mr. William Dunham, Seton Hall University.

Mr. Daryl R. Fair, Rider College.

Miss Frances Henderson, Administrative Assistant, Office of Senator CLIFFORD CASE, Senate Office Building, Washington, D.C.

Dr. Nell A. McDonald, Douglass College.

Dr. Donald McKee, Upsala College.

Dr. Robert Neiman, Fairleigh Dickinson University.

Dr. Gerald Pomper, Rutgers University.

Dr. H. E. Royer, Montclair State College.

The Rev. Edmund G. Ryan, S.J., Dean of the College, Saint Peter's College.

Mr. Robert V. Schauer, Georgian Court College.

Dr. Harry H. Shapiro, Dr. Jay A. Sigler, College of South Jersey, Rutgers University.

Dr. John Shenis, Newark State College.

Dr. Robert G. Smith, Director, Institute of Research on Govt., Drew University.

Dr. H. H. Wilson, Princeton University.

Purposes of committee

1. To give advice and suggestions to proposed programs of the state association.
2. To co-ordinate the exchange of ideas between high schools and colleges and work toward the improvement of the political science curriculum.
3. To serve on a scholarship selection committee.
4. To inform future teachers of the purpose and activities of the Institute of Practical Politics and Government and the New Jersey Association of Secondary Schools for Political Science Education.

EXTRAORDINARY POWERS OF ATTORNEY GENERAL IN TIME OF NATIONAL EMERGENCY

Mr. HARTKE. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the October 14, 1966, Chicago Tribune. In the article, Walter Trohan, a reporter of high regard in Washington, calls our attention to Executive Order No. 11310, which assigns the U.S. Attorney General extraordinary powers in the event of a national emergency.

Since many of us have so long asked questions about the possibility of price and wage controls, I invite the attention of Senators to the article and ask unanimous consent that it be printed in the RECORD.

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

REPORT FROM WASHINGTON

(By Walter Trohan, chief of Chicago Tribune's Washington bureau)

WASHINGTON, October 14.—Without any fanfare, President Johnson signed and sealed an extraordinary executive order in the White House last Tuesday which assigns wide emergency preparedness functions to the attorney general.

No explanation was given for ordering the preparation of national emergency plans and the development of war plans at this time. The far-reaching executive order was published in the Federal Register for last Thursday.

Under the order, it would be possible to institute wage and price controls, rationing, civil defense programs, alien controls, border controls, and a host of wartime measures. The order does not proclaim a national emergency but paves the way for action on such a proclamation.

The executive order states that the attorney general shall provide advice with respect to "any emergency directive or procedure prepared by a department or agency as part of its emergency program." This could mean wage and price controls or rationing.

The attorney general is authorized to review legal procedures of federal agencies designed to enlist industrial support, judicial and legislative liaison, mobilize research facilities, and fix security standards.

SHALL ASSIST, IF REQUESTED

The order says that the attorney general shall, on request, assist in the planning and development of law enforcement personnel for civil defense emergency operations and supervise utilization of state and intrastate law enforcing agencies. The attorney general is empowered to develop plans and procedures for identification of the dead.

The order provides for the development of an office of emergency planning, whose director would assume control for total national preparedness. The order says of emergency planning:

"Emergency plans and programs shall be developed as an integral part of the continuing activities of the department of justice on the basis that it will have the responsibility for the carrying out of such programs during an emergency. The attorney general shall be prepared to implement all appropriate plans developed under this order."

The order states that the President issued the "executive order 11310 assigning emergency preparedness functions to the attorney general" under authority vested in him under reorganization plan No. 1 of 1958. Experts in the Library of Congress said the President can proclaim an emergency because of the war in Viet Nam any moment. Experts said he can act under Korean war powers, which have not expired, as well as under the 1958 reorganization act.

HEAR RUMBLINGS OF CONTROLS AND RATIONING

Johnson has denied any intention of instituting wage and price controls. The White House had said that no executive order had been issued when questioned early in the week by Rep. JAMES B. UTT [R., Cal.]. Then on Thursday the order signed on Tuesday was published quietly in the government's official daily.

Possibly the President acted quietly because he did not wish to precipitate fear or hysteria of an expected "armed attack." For weeks there have been rumblings that he planned to institute wage and price controls and rationing after the election.

There also have been reports that some dramatic action would come in the far east

before the election. Possibly the President issued the executive order as a standby measure in case it might be needed after such a dramatic action.

It is curious that it was issued while there is no attorney general, the office being temporarily vacant until the successor to Nicholas Katzenbach is named. Katzenbach recently was named undersecretary of state, but it is not known whether this appointment had any relationship to the executive order.

DEATH OF FORMER SENATOR
HARRY F. BYRD

Mr. FONG. Mr. President, it is with a deep sense of sadness and grief that I rise to pay final tribute to the former senior Senator from Virginia, the Honorable Harry Flood Byrd, Sr., who died yesterday at the age of 79.

The passing of Harry Flood Byrd is a loss not only to the members of his family, but also to those of us who knew him as a good friend and colleague.

Long before I came to the Senate in 1959, I knew of Senator Byrd of Virginia. His reputation as the outstanding proponent of fiscal soundness and financial responsibility in government was as well known in my State of Hawaii as in his beloved Virginia.

Then, as a Member of the Senate, I came to know and respect Harry Flood Byrd. He was a public official who served our Nation and the people with dedication and unflagging devotion. He was a colleague who could be trusted, a friend who would be loyal. He was a gentleman in the finest tradition of the South.

Harry Flood Byrd stood unique among us. He achieved success in not merely one, but three separate careers—journalism, farming, and politics.

He began his newspaper career at the tender age of 15. He advanced in this field, eventually becoming publisher of the Winchester Star and the Harrisonburg News-Record.

While pursuing his career in journalism, young Harry Flood Byrd entered the applegrowing industry. He was still in his teens and he lacked financial backing, but he possessed the maturity and the fortitude to make a success of this venture. He became the largest applegrower in the United States.

At the age of 28, Harry Flood Byrd turned to politics and was promptly elected to the upper house of the Virginia Legislature. He served there with distinction from 1915 to 1925.

In 1926, he became the 47th Governor of the Commonwealth of Virginia. He received 72,000 more votes than his opponent—a sizable majority even today—and Governor Byrd did not betray this mandate from the people. His administration was marked by progress and service.

Then, in 1933, Harry Flood Byrd was sworn in as a Member of the U.S. Senate. He rose to a position of prominence and leadership and became one of the most powerful and influential men in the Senate. He was chairman of the Senate Finance Committee, the Joint Committee on Reduction of Nonessential Federal Ex-

penditures, and the Joint Committee on Internal Revenue Taxation. He served in the Senate for 33 years and won the admiration and praise of his colleagues as a man of "absolute integrity, absolute honesty, and absolute courage."

When Senator Byrd announced his retirement last November, the Members of the Senate joined in one voice to express our regrets. Today, we unite with bowed heads and sorrowful hearts to pay our last respects to Harry Flood Byrd and to convey our humble condolences to the members of his family, particularly to his son, our colleague, the junior Senator from Virginia, HARRY F. BYRD, JR.

Harry Flood Byrd has passed on, but the example that he set during his long public tenure will shine on and on for generations of Americans to come: unselfish devotion to duty, unwavering allegiance to public office as a public trust, and tireless safeguarding of the people's money.

Aloha, dear friend.

The PRESIDING OFFICER. Is there further morning business?

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

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

RECESS

Mr. INOUE. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Thereupon (at 10 o'clock and 3 minutes a.m.) the Senate took a recess subject to the call of the Chair.

At 12 o'clock and 31 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. STENNIS in the chair).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the amendment of the House to the bill (S. 1674) to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14644) to amend the Higher Education Facilities Act of 1963 to extend it for 3 years, and other purposes; and to authorize assistance to developing institutions for an additional year.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14929) to promote international trade in agricultural commodities, to combat hunger and malnutrition, to further economic development, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 13161) to strengthen and improve programs of assistance for elementary and secondary schools, and for other purposes.

AMENDMENT OF HIGHER EDUCATION FACILITIES ACT OF 1963—CONFERENCE REPORT

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14644) to amend the Higher Education Facilities Act of 1963 to extend it for 3 years, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MORSE. Mr. President, I have the honor to bring before the Senate today the second conference report on education legislation. I am very pleased to be able to report to the Senate that our conference with the House on H.R. 14644 has resulted in conscionable compromises which, I am sure, will be acceptable not only to Senators but also to the academic community.

The principal differences between the House and Senate versions of the bill were money differences. For the most part, these are resolved by taking the 1967 authorization from the House bill and the Senate authorizations for the succeeding 2 fiscal years.

An exception, however, was made on the title I grant program for undergraduate construction where, for the current fiscal year \$475 million was authorized to be appropriated, rather than the \$560 million of the Senate bill and the \$453 million of the House bill. The Senate authorizations for fiscal years 1968 and 1969, however, prevailed.

A second point in disagreement related to the share of the total authorization which would be reserved for the use of

junior and community colleges. In the present act this is now established at 22 percent. The Senate provision would have changed, in effect, this to a 25 percent reservation. The conference agreement sets the percentages at 22 percent for the current fiscal year, 23 percent for fiscal year 1968, and 24 percent for fiscal year 1969. In my view, this is the type of reasonable resolution of a difference which should commend itself to the Senate.

Mr. President, there was one problem that came up during the course of the conference which it is our hope can be resolved in future meetings, and that was the question of the actual enrollment statistics of various segments of higher education. It would certainly be my hope and that of the Senate conferees, a hope I believe is also shared by the House managers, that the statistical and data collation activities of the Office of Education can be so organized in the coming year as to bring forth a clear picture on first- and second-year enrollments and relative rates of growth of enrollment of 2-year institutions, 4-year institutions, 4-year institutions with partial graduate offerings, and finally the first- and second-year enrollments of the universities which have a full graduate school complement, which would also indicate the geographical variations, if any, which might affect these statistics. As was stated in the Senate report, it is the belief of our committee that the Office of Education could perform a most useful service in the compilation of this and related statistical material, such as the per pupil costs of construction of academic facilities and related student service buildings, including housing, in each type of institution. It is only on the basis of such solid facts that we can in subsequent sessions properly decide the degree of Federal assistance further required for each of the types of institutions.

Mr. President, rather than discuss in detail each of the actions which were taken, I ask unanimous consent that at this point in my remarks there appear an excerpt from the House Report No. 2326, the conference report on the bill, which discusses each of the items in detail, and I further ask unanimous consent that following this there appear certain tables prepared by the Office of Education which gives the State-by-State breakdown, where appropriate, of the various provisions of the bill.

There being no objection, the excerpts from the report and tables were ordered to be printed in the RECORD, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14644) to amend the Higher Education Facilities Act of 1963 to extend it for 3 years and other purposes; and to authorize assistance to developing institutions for an additional year, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to

the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill insert the following: "That this Act may be cited as the 'Higher Education Amendments of 1966'.

"EXTENSION OF GRANTS FOR CONSTRUCTION OF UNDERGRADUATE ACADEMIC FACILITIES

"Sec. 2. (a) Section 101(a) of the Higher Education Facilities Act of 1963 is amended by striking out 'four succeeding fiscal years' and inserting in lieu thereof 'seven succeeding fiscal years'.

"(b) Section 101(b) of such Act is amended to read as follows:

"(b) For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of \$230,000,000 for the fiscal year ending June 30, 1964, and for the succeeding fiscal year, \$460,000,000 for the fiscal year ending June 30, 1966, \$475,000,000 for the fiscal year ending June 30, 1967, \$728,000,000 for the fiscal year ending June 30, 1968, and \$936,000,000 for the fiscal year ending June 30, 1969; but for the fiscal year ending June 30, 1970, and the succeeding fiscal year, only such sums may be appropriated as Congress may hereafter authorize by law. In addition to the sums authorized to be appropriated for each fiscal year for which an appropriation is authorized by the preceding sentence, there is hereby authorized to be appropriated for that fiscal year for making such grants the difference (if any) between any specific sums authorized to be appropriated under the preceding sentence for the preceding fiscal year and the sums which were appropriated for such preceding year under such sentence."

"(c) Section 102 of such Act is amended to read as follows:

"ALLOTMENTS

"Sec. 102. The following percentage of the funds appropriated pursuant to section 101 for a fiscal year shall be allotted among the States in the manner prescribed by section 103 for use in providing academic facilities for public community colleges and public technical institutes:

"(1) In the case of fiscal years ending before July 1, 1967, 22 per centum.

"(2) In the case of the fiscal year ending June 30, 1968, 23 per centum.

"(3) In the case of fiscal years ending after June 30, 1968, 24 per centum.

The remainder of the funds so appropriated for any fiscal year shall be allotted among the States in the manner as prescribed in section 104 for use in providing academic facilities for institutions of higher education other than public community colleges and public technical institutes."

"(d) Sections 103(c) and 104(c) of such Act (relating to the reallocation of appropriations) are each amended by striking out 'for the fiscal year ending June 30, 1965, and the succeeding fiscal year,' and inserting in lieu thereof 'for any fiscal year'.

"PAYMENTS FOR ADMINISTRATIVE EXPENSES AND FOR PLANNING

"Sec. 3 (a) Subsection (b) of section 105 of the Higher Education Facilities Act of 1963 is amended to read as follows:

"(b) The Commissioner is authorized to expend not exceeding \$3,000,000 during the fiscal years ending June 30, 1965, and June 30, 1966, and not exceeding \$7,000,000 for the fiscal year ending June 30, 1967, and each of the two succeeding fiscal years, in such amounts as he may consider necessary (1) for the proper and efficient administration of the State plans approved under this title, and under part A of title VI of the Higher Education Act of 1965, including expenses which he determines were necessary for the prepara-

tion of such plans, and (2) for grants, upon such terms and conditions as the Commissioner determines will best further the purposes of this Act, to State commissions for conducting, either directly or through other appropriate agencies and institutions, comprehensive planning to determine the construction needs of institutions (and particularly combinations and regional groupings of institutions) of higher education. Not more than \$3,000,000 may be expended in any fiscal year for the purposes set forth in clause (1). For the fiscal year ending June 30, 1970, and the succeeding fiscal year, the Commissioner may expend for purposes of this subsection only such sums as Congress may hereafter authorize by law.

"(b) Section 601 of the Higher Education Act of 1965 is amended (1) by striking out subsection (d) thereof and by redesignating subsection (e) as subsection (d), and (2) by striking out 'subsections (b), (c), and (d)' in the subsection redesignated as subsection (d) and inserting in lieu thereof 'subsections (b) and (c)'.

"EXTENSION OF GRANTS FOR CONSTRUCTION OF GRADUATE ACADEMIC FACILITIES; EXTENDING AVAILABILITY OF APPROPRIATIONS

"Sec. 4. Section 201 of the Higher Education Facilities Act of 1963 is amended to read as follows:

"APPROPRIATIONS AUTHORIZED

"Sec. 201. In order to increase the supply of highly qualified personnel critically needed by the community, industry, government, research, and teaching, the Commissioner shall, during the fiscal year ending June 30, 1964, and each of the seven succeeding fiscal years, make construction grants to assist institutions of higher education to improve existing graduate schools and cooperative graduate centers, and to assist in the establishment of graduate schools and cooperative graduate centers of excellence. For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of \$25,000,000 for the fiscal year ending June 30, 1964, the sum of \$60,000,000 for the fiscal year ending June 30, 1965, the sum of \$120,000,000 for the fiscal year ending June 30, 1966, the sum of \$60,000,000 for the fiscal year ending June 30, 1967, and the sum of \$120,000,000 for the fiscal year ending June 30, 1968, and for the succeeding fiscal year; but for the fiscal year ending June 30, 1970, and the succeeding fiscal year, only such sums may be appropriated as Congress may hereafter authorize by law. In addition to the sums authorized to be appropriated for each fiscal year for which an appropriation is authorized by the preceding sentence, there is hereby authorized to be appropriated for that fiscal year for making such grants the difference (if any) between any specific sums authorized to be appropriated under the preceding sentence for the preceding fiscal year and the sums which were appropriated for such preceding year under such sentence. Sums appropriated pursuant to this title for any fiscal year shall remain available for grants under this title until expended.

"EXTENSION OF LOANS FOR CONSTRUCTION OF ACADEMIC FACILITIES

"Sec. 5. Section 303(c) of the Higher Education Facilities Act of 1963 is amended—

"(1) by striking out 'four' in the first sentence and inserting 'seven';

"(2) by striking out in the second sentence 'but for the fiscal year ending June 30, 1967,' and inserting in lieu thereof 'the sum of \$200,000,000 for the fiscal year ending June 30, 1967, and the sum of \$400,000,000 for the fiscal year ending June 30, 1968, and for the succeeding fiscal year; but for the fiscal year ending June 30, 1970;'; and

"(3) by amending the third and fourth sentences to read as follows: 'In addition to the sums authorized to be appropriated for each fiscal year for which an appropriation is authorized by the preceding sentence, there is hereby authorized to be appropriated for that fiscal year, for making such loans, the difference (if any) between any specific sums authorized to be appropriated under the preceding sentence for the preceding fiscal year and the sums which were appropriated for such preceding year under such sentence. Sums appropriated pursuant to this subsection for any fiscal year shall be available without fiscal-year limitations for loans under this title.'

"AMENDMENT TO DEFINITION OF DEVELOPMENT COST

"Sec. 6. Subsection (c) of section 401 of the Higher Education Facilities Act of 1963 is amended (1) by inserting '(1)' immediately after '(c)', (2) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively, (3) by redesignating subclauses (A) and (B) as subclauses (i) and (ii), respectively, and (4) by adding at the end thereof the following new paragraph:

"(2) In determining the development cost with respect to an academic facility, the Commissioner may include expenditures for works of art for the facility of not to exceed 1 per centum of the total cost (including such expenditures) to the applicant of construction of, and land acquisition and site improvements for, such facility.'

"REPEAL OF AUTHORITY TO PRESCRIBE A SCHEDULE OF FEES FOR CERTAIN INSPECTIONS AND RELATED ACTIVITIES

"Sec. 7. The Higher Education Facilities Act of 1963 is amended by striking out subsection (b) of section 304 and by redesignating subsection (c) and references thereto as subsection (b),

"PROVIDING THAT ACADEMIC FACILITIES WILL BE USABLE BY HANDICAPPED PERSONS

"Sec. 8. Section 401(a)(1) of the Higher Education Facilities Act of 1963 is amended by inserting after the period at the end thereof the following: 'Plans for such facilities shall be in compliance with such standards as the Secretary of Health, Education, and Welfare may prescribe or approve in order to insure that facilities constructed with the use of Federal funds under this Act shall be, to the extent appropriate in view of the uses to be made of the facilities, accessible to and usable by handicapped persons.'

"REVISION OF MAINTENANCE OF EFFORT REQUIREMENT FOR COLLEGE LIBRARY ASSISTANCE

"Sec. 9. Effective for fiscal years beginning after June 30, 1966, clauses (a) and (b) of section 202 of the Higher Education Act of 1965 are each amended by inserting after 'June 30, 1965' the following: ', or during the two fiscal years preceding the fiscal year for which the grant is requested, whichever is the lesser'.

"TWO-YEAR EXTENSION OF ASSISTANCE TO DEVELOPING INSTITUTIONS

"Sec. 10. Paragraph (1) of section 301(b) of the Higher Education Act of 1965 is amended by inserting after 'June 30, 1966,' the following: 'the sum of \$30,000,000 for the fiscal year ending June 30, 1967, and the sum of \$55,000,000 for the fiscal year ending June 30, 1968.'

"INCREASE IN MINIMUM ADVANCES FOR RESERVE FUNDS FOR INSURED LOAN PROGRAM

"Sec. 11. The second sentence of section 422(b) of the Higher Education Act of 1965 is amended to read as follows: 'The amount available, however, for advances to any State for each fiscal year ending prior to July 1,

1968 shall not be less than \$25,000, and any additional funds needed to meet this requirement shall be derived by proportionately reducing (but not below \$25,000 per year) the amount available for advances to each of the remaining States.'

"AMENDMENT TO HIGHER EDUCATION ACT OF 1965 TO AUTHORIZE THE DISTRICT OF COLUMBIA TO ESTABLISH A LOAN INSURANCE PROGRAM FOR THE PURPOSES OF SUCH ACT AND THE NATIONAL VOCATIONAL STUDENT LOAN INSURANCE ACT OF 1965

"Sec. 12. The Higher Education Act of 1965 is further amended by inserting after section 435 a new section as follows:

"DISTRICT OF COLUMBIA STUDENT LOAN INSURANCE PROGRAM

"Sec. 436. (a) The Board of Commissioners of the District of Columbia is authorized (1) to establish a student loan insurance program which meets the requirements of this title and the National Vocational Student Loan Insurance Act of 1965 for a State loan insurance program in order to enter into agreements with the Commissioner for the purposes of this title and such Act, (2) to enter into such agreements with the Commissioner, (3) to use amounts appropriated to such Board for the purposes of this section to establish a fund for such purposes and for expenses in connection therewith, and (4) to accept and use donations for the purposes of this section.

"(b) Notwithstanding the provisions of any applicable law, if the borrower, on any loan insured under the program established pursuant to this section, is a minor, any otherwise valid note or other written agreement executed by him for the purposes of such loan shall create a binding obligation.

"(c) There are authorized to be appropriated to such Board such amounts as may be necessary for the purposes of this section.'

"STUDY TO DETERMINE MEANS OF IMPROVING LOAN INSURANCE PROGRAM

"Sec. 13. 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.

"REVISION OF MAINTENANCE OF EFFORT REQUIREMENT FOR COLLEGE EQUIPMENT PROGRAM

"Sec. 14. Effective with respect to applications filed after December 30, 1966, section 604(b) of the Higher Education Act of 1965 is amended by striking out the second sentence and inserting in lieu thereof the following: 'An institution of higher education shall be eligible for a grant for a project pursuant to this part in any fiscal year only if such institution will expend from current funds for instructional and library purposes, other than personnel costs, during such fiscal year an amount not less than the amount expended by such institution from current funds for such purposes during the previous fiscal year.'

"INCREASE IN AUTHORIZATIONS FOR FEDERAL CAPITAL CONTRIBUTIONS FOR NATIONAL DEFENSE STUDENT LOANS

"Sec. 15. Section 201 of the National Defense Education Act of 1958 is amended by striking out 'and \$195,000,000 for the fiscal year ending June 30, 1968' and inserting in lieu thereof 'and \$225,000,000 for the fiscal year ending June 30, 1968'.

"LOAN CANCELLATION FOR TEACHING HANDICAPPED CHILDREN, AND FOR TEACHING IN THE TRUST TERRITORY OF THE PACIFIC ISLANDS"

"SEC. 16. (a) Section 205(b) (3) of the National Defense Education Act of 1958 is amended by striking out 'and (B) for the purposes of any cancellation pursuant to clause (A)' and inserting in lieu thereof the following: '(B) such rate shall be 15 per centum for each complete academic year or its equivalent (as so determined by regulations) of service as a full-time teacher of handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed or other health impaired children who by reason thereof require special education) in a public or other non-profit elementary or secondary school system, and (C) for the purposes of any cancellation pursuant to clause (A) or (B)'.

"(b) Section 103(a) of such Act is amended by inserting after 'except that' the following: '(1) as used in section 205(b) (3) such term includes the Trust Territory of the Pacific Islands, and (2)'.

"(c) The amendments made by this section shall apply with respect to teaching service performed during academic years beginning after the date of enactment of this Act, whether the loan was made before or after such enactment.

"ASSISTANCE IN INDUSTRIAL ARTS ADDED TO TITLE III OF NATIONAL DEFENSE EDUCATION ACT OF 1958"

"SEC. 17. (a) Effective for fiscal years beginning after June 30, 1967, clauses (1) and (5) of section 303(a) of the National Defense Education Act of 1958 are each amended by inserting 'industrial arts,' after 'economics,'.

"(b) Section 301 of such Act is amended by striking out 'and \$100,000,000 for the fiscal year ending June 30, 1966, and for each of the two succeeding fiscal years' and inserting in lieu thereof '\$100,000,000 for the fiscal year ending June 30, 1966, and for the succeeding fiscal year and \$110,000,000 for the fiscal year ending June 30, 1968.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

ADAM C. POWELL,
EDITH GREEN,
JOHN BRADEMAS,
CARLTON R. SICKLES,
SAM M. GIBBONS,
HUGH CAREY,
WILLIAM D. HATHAWAY,
PHILLIP BURTON,
WILLIAM H. AYRES,
ALBERT H. QUIE,
OGDEN REID,
JOHN ERLBORN,

Managers on the Part of the House.

WAYNE MORSE,
LISTER HILL,
RALPH W. YARBOROUGH,
JOSEPH CLARK,
JENNINGS RANDOLPH,
ROBERT KENNEDY,
HARRISON WILLIAMS,
WINSTON PROUTY,
J. K. JAVITS,
PETER DOMINICK,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14644) to amend the Higher Education Facilities Act of 1963 to extend it for 3 years, and for other pur-

poses; and to authorize assistance to developing institutions for another year, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment to the text of the bill strikes out all of the House bill after the enacting clause and inserts a substitute. The House recedes from its disagreement to the amendment of the Senate to the text of the bill, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the text of the House bill and the substitute agreed to in conference are noted below except for clerical corrections, incidental changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

AMENDMENTS TO HIGHER EDUCATION FACILITIES ACT OF 1963

Section 2. Extension of grants for construction of undergraduate academic facilities

Section 2 of the conference substitute amends title I of the Higher Education Facilities Act of 1963 (referred to in the analysis of secs. 2 through 8 of the conference substitute as "act"). Section 101 of the act established a program of grants to institutions of higher education for the construction of undergraduate academic facilities. The program presently expires on June 30, 1968, but for the last 2 fiscal years of the program no appropriations have been authorized to carry it out. Present law (sec. 102), moreover, requires that 22 percent of the total appropriation for any fiscal year be allotted among the States for use in providing academic facilities for public community colleges and public technical institutes, and the remainder for use in providing academic facilities for other institutions of higher education.

The amendment made by the House bill would have extended this program for 3 years, until June 30, 1971, and would have authorized appropriations for the fiscal years ending in 1967, 1968, and 1969, of \$453, \$700, and \$900 million, respectively.

The Senate amendment would have—

(1) extended the duration of the program for 3 fiscal years;

(2) terminated, beginning with the fiscal year ending in 1967, the requirement that 22 percent of the total appropriation under title I of the act for any fiscal year be allotted for academic facilities for public community colleges and public technical institutions;

(3) authorized, for construction of academic facilities for public community colleges and public technical institutions, appropriations of \$140 million for the fiscal year ending in 1967, \$182 million for the fiscal year ending in 1968, and \$234 million for the fiscal year ending in 1969;

(4) authorized, for academic facilities for other institutions of higher education, appropriations of \$420 million for fiscal year 1967, \$546 million for fiscal year 1968, and \$702 million for fiscal year 1969; and

(5) made applicable to allotments made for any fiscal year the provisions of present law (secs. 103(c) and 104(c) authorizing reallocation of the unused portion of allotments, which at present applies only to allotments made for the fiscal years 1965 and 1966.

The conference substitute authorizes appropriations of \$475 million, \$728 million, and \$936 million for the fiscal years ending in 1967, 1968, and 1969, respectively. Of the sums appropriated pursuant to this authorization, public community colleges and pub-

lic technical institutes will receive 22 percent in fiscal years ending before 1968, 23 percent in the fiscal year ending in 1968, and 24 percent in fiscal years ending thereafter. The conference substitute also includes the provision of the Senate amendment relating to reallocations (described in par. (5), supra).

Section 3. Payments for administrative expenses and planning

This section of the conference substitute differs from the House bill in that under the substitute, sums authorized to be appropriated by section 105(b) of the act will be available for administration of State plans approved under the program for financial assistance for the improvement of undergraduate instruction established by part A of title VI of the Higher Education Act of 1965. The conference substitute authorizes \$60 million for the fiscal year ending in 1967, and \$120 million for each of the 2 succeeding fiscal years.

Section 4. Extension of grants for construction of graduate academic facilities; extending availability of appropriations

The House bill amended section 201 of the act (which authorizes appropriations for the program of assistance for the construction of graduate academic facilities) to authorize appropriations for the fiscal years ending in 1967, 1968, and 1969 of \$60, \$90, and \$120 million, respectively. The Senate amendment authorized \$120 million for each of these years. In addition, the Senate amendment and the conference substitute repeal the authority in part A of title VI of the Higher Education Act of 1965, which authorized an appropriation of funds for the administration of State plans approved under that title.

Section 5. Extension of loans for construction of academic facilities

The House bill amended section 301 of the act (which presently authorizes appropriations to a revolving fund out of which loans are made to institutions for the construction of academic facilities) to authorize appropriations of \$200 million yearly for the fiscal years ending in 1967, 1968, and 1969. The Senate amendment authorized \$400 million yearly for these fiscal years. The conference substitute authorizes \$200 million for the fiscal year ending in 1967, and \$400 million for each of the 2 succeeding fiscal years.

Section 8. Providing that academic facilities will be usable by handicapped persons

The Senate amendment contained a provision, not present in the House bill, which would add to section 401(a) (1) of the act (which defines the term "academic facilities") a requirement that plans for such facilities comply with such standards as the Secretary may prescribe or approve to insure that facilities constructed with Federal aid under the act be accessible to and usable by handicapped persons to the extent appropriate in view of the uses to be made of the facilities. The conference substitute includes this provision of the Senate amendment.

AMENDMENTS TO HIGHER EDUCATION ACT OF 1965

Section 9. Revision of maintenance-of-effort requirement for college library assistance

The Senate amendment contained a provision, not present in the House bill, which modified the maintenance-of-effort requirements for eligibility for basic grants under part A of title II of the Higher Education Act of 1965 (relating to grants for college library resources). Under present law (sec. 202 (a) and (b)), an institution or combination of institutions, in order to be eligible for basic grants for books and other library

resources and materials, must provide satisfactory assurance that the applicant will, during the fiscal year for which the grant is requested, expend from funds other than those received under part A, (1) for all library purposes (exclusive of construction) and (2) for books and other library materials, respectively, amounts not less than the average amounts it respectively expended for such purposes during the 2-year period ending June 30, 1965. (These requirements are in addition to a matching requirement in the act.) The Senate amendment would, as an alternative to the use of the average annual amount expended during the 2-year period ending June 30, 1965, as a measure of the required effort, have substituted the average annual amount expended by the applicant during the 2 fiscal years preceding the fiscal year for which the grant is requested if that amount is less. The conference substitute includes this provision of the Senate amendment.

Section 10. Two-year extension of assistance to developing institutions

The House bill extended the program of assistance to developing institutions under title III of the Higher Education Act of 1965 for 1 fiscal year, until June 30, 1967, and authorized an appropriation of \$30 million for that year. The Senate amendment extended the program for 3 fiscal years, and authorized an appropriation of \$55 million for each year. The conference substitute extends the program for 2 years, and authorizes \$30 and \$55 million for the fiscal years ending in 1967 and 1968, respectively.

Section 11. Increase in minimum advances for reserve funds for insured loan programs

Part V of title IV of the Higher Education Act of 1965 provides—in addition to a standby Federal student loan insurance program—for making advances, from Federal appropriations, for the reserve funds of State and nonprofit private student loan insurance programs.

Section 421(b) of that act authorizes aggregate appropriations of \$17,500,000 for making such advances, such appropriations to remain available for advances through the fiscal year 1968. Section 422(b) requires that the total of such advances may not exceed an amount which bears the same ratio to \$17½ million as the population of the State aged 18 to 22 bears to the total population of all the States in this age group, but that if the amount so determined for any State is less than \$25,000 it shall be increased to \$25,000, with proportionate reduction (but not below \$25,000) in the amount determined for each of the remaining States.

The Senate amendment contained a provision, not present in the House bill, which would amend the provision for a minimum advance to each State, so that the minimum advance to a State would be an annual minimum of \$25,000 for each fiscal year (prior to the fiscal year 1969) rather than a minimum of \$25,000 in the aggregate. The conference substitute includes this provision of the Senate amendment.

Section 12. Authorizing District of Columbia to establish a federally assisted student loan insurance program

The Senate amendment contained a provision, not present in the House bill, which would amend part B of title IV of the Higher Education Act of 1965 adding thereto a section 436 authorizing the Board of Commissioners of the District of Columbia to establish a student loan insurance program meeting the requirements of such part B and the requirement of the National Vocational Stu-

dent Insurance Act of 1965 for a State loan insurance program and to enter into agreements with the Commissioner of Education for the purposes of these Federal programs. This provision of the Senate amendment further provides that a minor obtaining a student loan insured under the program established by the Board of Commissioners pursuant to this section shall be legally bound by any note or other written agreement executed by him for the purposes of such loan, regardless of whether under other applicable law a binding obligation would otherwise be created. The conference substitute includes this provision of the Senate amendment.

Section 13. Study to determine means of improving loan insurance program

The Senate amendment contained a provision not present in the House bill directing the Commissioner of Education to make a study of means of improving the loan insurance program under part B of title IV of the Higher Education Act of 1965, and to report to the President and Congress before 1968 on the results of his study. This provision is included in the conference substitute.

Section 14. Revision of maintenance-of-effort requirement for college equipment program

Under part A of title VI of the Higher Education Act of 1965, providing for grants to institutions of higher education for equipment for undergraduate instruction, an institution of higher education is eligible for a grant for a project in any fiscal year only if it will expend during such year, "for the same purposes as, but not pursuant to" such part A, an amount at least equal to the amount expended by such institution in the previous fiscal year. Under a provision of the Senate amendment, not present in the House bill, this provision (sec. 604(b) of the Higher Education Act of 1965) would be amended effective with respect to applications filed after December 30, 1966, so that the institution would be eligible if during the fiscal year involved it would expend "from current funds for instructional and library purposes, other than personnel costs," an amount not less than that expended by the institution from current funds for such purpose during the previous fiscal year. The conference substitute includes this provision of the Senate amendment.

AMENDMENTS TO THE NATIONAL DEFENSE EDUCATION ACT OF 1958

Section 15. Increase in appropriation authorization for Federal capital contributions for national defense student loans

The Senate amendment amended the first sentence of section 201 of the National Defense Education Act of 1958 so as to increase from \$190 to \$220 million for the fiscal year 1967, and from \$195 to \$225 million for the fiscal year 1968, the authorization for appropriations under that section of the national defense student loan program. The House bill contained no comparable provision. The conference substitute increases the authorization for the fiscal year ending in 1968 from \$195 to \$225 million.

Section 15. NDEA loan cancellation for teaching handicapped children and for teaching in the Trust Territory of the Pacific Islands

The Senate amendment amended section 205(b) (3) of the NDEA to provide up to 100 percent cancellation of a student loan at the rate of 15 percent for each year of service by the debtor as a full-time teacher of handicapped children in a public or other nonprofit elementary or secondary school system. (Under existing law, this particular loan cancellation provision applies only to those

who teach in elementary or secondary schools with high concentrations of children from low-income families.) In addition the Senate amendment had a provision which would close a gap in existing law by extending the benefit of the loan cancellation provisions of the NDEA to borrowers teaching full time in public or nonprofit private elementary or secondary schools in the Trust Territory of the Pacific Islands. The House bill contained no comparable provisions. The conference substitute includes these provisions of the Senate amendment.

In light of the absence of evidence that the cancellation provisions in the student loan program have attracted any sizable number of people into the teaching profession, it was further agreed that the loan cancellation provisions be reconsidered next year after the House and Senate, independently, make a study of the impact of these provisions on the teaching profession.

Section 17. Assistance in industrial arts added to title III of National Defense Education Act of 1958

The Senate amendment added industrial arts to the list of critical subjects in which the quality of instruction may be improved through financial assistance under title III of the NDEA, and authorized an appropriation for the purposes of title III of the NDEA, of \$110 million for the fiscal year 1967 and an equal amount for fiscal year 1968. The House bill contained no comparable provision. The conference substitute contains this provision of the Senate amendment, but delays its effective date for 1 year, until the fiscal year ending in 1968.

It was also agreed that before the effective date of this provision further consideration will be given to an expansion of the scope of title III either through the deletion of categorical limitations or by the inclusion of additional categories and that detailed consideration will be given to the question of whether, and to what extent, priorities for such assistance should be determined by the Commissioner of Education in view of the desirability of insuring maximum freedom of choice in such matters at the State and local levels.

The House recedes from its disagreement to the amendment of the Senate to the title of the bill, and agrees to the same.

ADAM C. POWELL,
EDITH GREEN,
JOHN BRADEMAS,
CARLTON R. SICKLES,
SAM M. GIBBONS,
HUGH CAREY,
WILLIAM D. HATHAWAY,
PHILLIP BURTON,
WILLIAM H. AYRES,
ALBERT H. QUIE,
OGDEN REID,
JOHN ERLBORN,

Managers on the Part of the House.

ESTIMATED DISTRIBUTIONS OF AUTHORIZATIONS FOR TITLE I, HIGHER EDUCATION FACILITIES ACT OF 1963, AS PROPOSED TO BE AMENDED BY H.R. 14644 (CONFERENCE COMMITTEE REPORT): FISCAL YEARS 1967, 1968, AND 1969

Distribution of authorizations with 22%, 23% and 24% for public junior colleges and public technical institutes (Sec. 103) and the balance for other higher education facilities (Sec. 104). Distribution under Sec. 103 is based on State products of FY 1967 allotment ratios, with limits of 33⅓% and 66⅔% and total high school graduates, 1964-65. Distribution under Sec. 104 is based 50% on total public and nonpublic grade 9-12 enrollment Fall 1965, and 50% on full-time and full-time equivalent degree-credit and non-degree-credit enrollment in institutions of higher education, Fall 1965.

Estimated distributions of authorizations for title I, Higher Education Facilities Act of 1963, as proposed to be amended by H.R. 14644 (conference committee report) fiscal years 1967, 1968, and 1969 [UNDERGRADUATE FACILITIES CONSTRUCTION GRANTS]

Table with columns for years 1967, 1968, 1969 and rows for United States and outlying areas, 50 States and District of Columbia, and various states including Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada.

FISCAL YEAR 1967

Table with columns for Total, Sec. 103 (public junior and community colleges), Sec. 104 (other undergraduate institutions) and rows for United States and outlying areas, 50 States and District of Columbia, and various states including Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, District of Columbia, American Samoa, Canal Zone, Guam, Puerto Rico, Virgin Islands.

FISCAL YEAR 1968

Table with columns for Total, Sec. 103 (public junior and community colleges), Sec. 104 (other undergraduate institutions) and rows for United States and outlying areas, 50 States and District of Columbia, and various states including Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, District of Columbia, American Samoa, Canal Zone, Guam, Puerto Rico, Virgin Islands.

Estimated distributions of authorizations for title I, Higher Education Facilities Act of 1963, as proposed to be amended by H.R. 14644 (conference committee report) fiscal years 1967, 1968, and 1969—Continued

FISCAL YEAR 1969

	Total	Sec. 103 (public junior and community colleges)	Sec. 104 (other undergraduate institutions)	Total	Sec. 103 (public junior and community colleges)	Sec. 104 (other undergraduate institutions)
United States and outlying areas.....	\$936,000,000	\$224,640,000	\$711,360,000			
50 States and District of Columbia.....	926,732,469	221,900,617	704,831,852			
Alabama.....	16,178,302	5,402,726	10,775,576			
Alaska.....	736,381	196,112	570,269			
Arizona.....	9,074,959	2,016,681	7,058,278			
Arkansas.....	9,516,252	3,024,296	6,491,956			
California.....	93,784,827	15,673,453	78,111,374			
Colorado.....	11,053,580	2,451,053	8,602,527			
Connecticut.....	11,885,990	2,316,923	9,569,067			
Delaware.....	2,017,231	374,650	1,642,581			
Florida.....	23,992,969	6,163,122	17,829,837			
Georgia.....	18,876,832	5,747,352	13,129,480			
Hawaii.....	3,541,178	927,324	2,613,854			
Idaho.....	3,974,455	1,154,700	2,819,665			
Illinois.....	45,624,369	9,192,304	36,432,065			
Indiana.....	24,133,156	5,899,268	18,233,888			
Iowa.....	15,538,450	3,945,736	11,592,714			
Kansas.....	12,316,585	2,758,964	9,557,621			
Kentucky.....	14,888,263	4,302,926	10,585,337			
Louisiana.....	17,419,747	4,998,705	12,421,042			
Maine.....	4,882,258	1,554,406	3,327,852			
Maryland.....	15,210,618	3,530,456	11,680,162			
Massachusetts.....	27,912,561	5,510,258	22,402,303			
Michigan.....	41,731,555	9,149,062	32,582,493			
Minnesota.....	20,383,784	5,266,149	15,117,635			
Mississippi.....	11,149,342	3,225,481	7,923,861			
Missouri.....	21,554,106	4,961,501	16,592,605			
Montana.....	3,866,946	1,040,567	2,826,379			
Nebraska.....	7,923,084	1,945,210	5,977,874			
50 States and District—Con.						
Nevada.....	\$1,459,965	\$282,946	\$1,177,019			
New Hampshire.....	3,531,621	919,491	2,612,130			
New Jersey.....	24,453,523	6,331,192	18,122,331			
New Mexico.....	5,473,750	1,524,055	3,949,695			
New York.....	76,133,521	14,681,349	61,452,172			
North Carolina.....	23,972,006	7,301,767	16,670,249			
North Dakota.....	3,875,861	991,452	2,884,409			
Ohio.....	48,777,343	11,737,019	37,040,324			
Oklahoma.....	13,967,758	3,562,438	10,405,320			
Oregon.....	11,088,358	2,707,074	8,381,284			
Pennsylvania.....	53,095,940	14,420,922	38,675,018			
Rhode Island.....	4,512,174	1,061,127	3,451,047			
South Carolina.....	11,461,261	3,800,510	7,660,751			
South Dakota.....	4,065,901	1,036,977	3,028,924			
Tennessee.....	18,556,307	5,320,975	13,235,332			
Texas.....	49,486,976	12,727,981	36,758,995			
Utah.....	7,641,347	1,644,478	5,996,869			
Vermont.....	2,376,986	577,803	1,799,183			
Virginia.....	17,946,939	4,989,567	12,957,372			
Washington.....	16,936,483	3,911,306	13,025,177			
West Virginia.....	9,861,672	3,157,927	6,703,745			
Wisconsin.....	22,352,995	5,680,124	16,672,871			
Wyoming.....	1,816,220	457,053	1,359,167			
District of Columbia.....	4,779,802	375,629	4,404,173			
American Samoa.....	102,355	47,810	54,545			
Canal Zone.....						
Guam.....	319,149	92,194	226,955			
Puerto Rico.....	8,719,412	2,563,317	6,156,095			
Virgin Islands.....	126,615	36,062	90,553			

NOTE.—See attachment to summary table, title I, fiscal years 1967, 1968, and 1969 for distribution procedures.

Estimated distribution of authorizations under title II, NDEA of 1958 as proposed to be amended by H.R. 14644 (conference committee report): Fiscal years 1967 and 1968

	1967	1968		1967	1968
United States and outlying areas.....	\$190,000,000	\$225,000,000			
50 States and District of Columbia.....	188,680,050	223,436,901			
Alabama.....	2,691,695	3,187,534			
Alaska.....	81,081	96,017			
Arizona.....	2,137,150	2,530,835			
Arkansas.....	1,800,482	2,132,150			
California.....	19,057,903	22,568,571			
Colorado.....	2,771,517	3,282,060			
Connecticut.....	2,363,160	2,798,479			
Delaware.....	361,210	427,748			
Florida.....	4,496,921	5,325,301			
Georgia.....	3,203,014	3,793,042			
Hawaii.....	668,833	792,040			
Idaho.....	788,301	933,514			
Illinois.....	9,350,501	11,072,962			
Indiana.....	5,265,085	6,234,968			
Iowa.....	3,679,867	4,357,737			
Kansas.....	3,219,036	3,812,016			
Kentucky.....	2,951,299	3,494,960			
Louisiana.....	3,546,361	4,199,638			
Maine.....	762,936	903,477			
Maryland.....	2,803,272	3,319,664			
Massachusetts.....	6,987,245	8,274,369			
Michigan.....	8,589,792	10,172,122			
Minnesota.....	4,496,146	5,324,384			
Mississippi.....	2,271,333	2,689,736			
Missouri.....	4,845,061	5,737,572			
Montana.....	854,231	1,011,589			
Nebraska.....	1,825,266	2,161,499			
50 States and District of Columbia—Con.					
Nevada.....	\$221,315	\$262,083			
New Hampshire.....	790,431	936,036			
New Jersey.....	3,352,251	3,969,771			
New Mexico.....	1,013,633	1,200,355			
New York.....	14,948,284	17,701,916			
North Carolina.....	4,494,404	5,322,320			
North Dakota.....	932,504	1,104,281			
Ohio.....	9,208,089	10,904,316			
Oklahoma.....	3,237,721	3,834,143			
Oregon.....	2,502,571	2,963,570			
Pennsylvania.....	9,532,800	11,288,843			
Rhode Island.....	1,075,448	1,273,557			
South Carolina.....	1,796,706	2,127,678			
South Dakota.....	911,495	1,079,403			
Tennessee.....	3,878,140	4,592,534			
Texas.....	10,439,746	12,362,857			
Utah.....	2,283,095	2,708,665			
Vermont.....	601,597	712,417			
Virginia.....	3,082,384	3,650,192			
Washington.....	3,949,394	4,676,914			
West Virginia.....	1,799,272	2,130,717			
Wisconsin.....	4,751,878	5,627,224			
Wyoming.....	405,114	479,741			
District of Columbia.....	1,603,080	1,898,384			
American Samoa.....					
Canal Zone.....	29,576	35,025			
Guam.....	28,705	33,993			
Puerto Rico.....	1,267,748	1,489,438			
Virgin Islands.....	3,921	4,643			

NOTE.—Distribution of authorizations on the basis of full-time degree credit enrollment in institution of higher education, fall 1965.

Estimated distribution of authorizations for grants to public schools, title III, secs. 301 and 302(a), NDEA of 1958 as proposed to be amended by H.R. 14644 (conference committee report): Fiscal years 1967 and 1968

[Equipment grants]

	1967	1968		1967	1968
United States and outlying areas.....	\$88,000,000	\$96,800,000			
50 States and District of Columbia.....	86,400,000	95,040,000			
Alabama.....	2,238,425	2,462,267			
Alaska.....	109,155	120,070			
Arizona.....	887,657	976,423			
Arkansas.....	1,188,069	1,306,875			
California.....	5,867,837	6,454,644			
Colorado.....	905,491	996,040			
Connecticut.....	803,986	884,385			
Delaware.....	157,356	173,092			
Florida.....	2,600,527	2,860,580			
Georgia.....	2,710,099	2,981,108			
Hawaii.....	359,088	394,997			
Idaho.....	437,245	480,969			
50 States and District—Con.					
Illinois.....	\$3,411,813	\$3,752,995			
Indiana.....	2,313,283	2,544,612			
Iowa.....	1,355,144	1,490,658			
Kansas.....	1,070,806	1,177,886			
Kentucky.....	1,945,642	2,140,206			
Louisiana.....	2,336,460	2,570,106			
Maine.....	528,345	581,179			
Maryland.....	1,432,125	1,597,338			
Massachusetts.....	1,689,750	1,858,725			
Michigan.....	4,051,056	4,456,162			
Minnesota.....	1,830,931	2,014,025			
Mississippi.....	1,570,866	1,727,952			
Missouri.....	1,797,665	1,977,431			
Montana.....	396,647	436,312			
Nebraska.....	688,821	757,703			

Estimated distribution of authorizations for grants to public schools, title III, secs. 301 and 302(a), NDEA of 1958 as proposed to be amended by H.R. 14644 (conference committee report): Fiscal years 1967 and 1968—Continued

[Equipment Grants]

	1967	1968		1967	1968
50 States and District of Columbia—Con.			50 States and District of Columbia—Con.		
Nevada.....	\$122,521	\$134,774	South Dakota.....	\$420,829	\$462,912
New Hampshire.....	306,626	337,288	Tennessee.....	2,288,073	2,516,880
New Jersey.....	2,008,681	2,209,549	Texas.....	5,860,831	6,446,915
New Mexico.....	704,600	775,060	Utah.....	644,340	708,774
New York.....	4,858,918	5,344,810	Vermont.....	211,944	233,139
North Carolina.....	3,088,096	3,396,905	Virginia.....	2,375,381	2,612,919
North Dakota.....	400,215	440,236	Washington.....	1,323,348	1,455,682
Ohio.....	4,694,077	5,163,484	West Virginia.....	1,119,137	1,231,051
Oklahoma.....	1,264,429	1,390,872	Wisconsin.....	2,019,471	2,221,419
Oregon.....	870,719	957,791	Wyoming.....	173,934	191,327
Pennsylvania.....	4,688,402	5,157,242	District of Columbia.....	196,036	215,639
Rhode Island.....	341,835	376,019			
South Carolina.....	1,713,248	1,884,573	Outlying areas.....	1,600,000	1,760,000

NOTE.—Distribution of 88 percent of total authorizations, with 1.6 percent reserved for the outlying areas. Balance distributed on basis of State products of (1) NDEA biennial allotment ratios, fiscal years 1966 and 1967 and (2) the estimated 5-17 population, July 1, 1964.

Estimated distribution of authorizations for loans for nonprofit private schools, title III, secs. 301 and 305, NDEA of 1958, as proposed to be amended by H.R. 14644 (conference committee report): Fiscal years 1967 and 1968

[Equipment loans]

	1967	1968		1967	1968
United States and outlying areas.....	\$12,000,000	\$13,200,000	50 States and District of Columbia—Con.		
50 States and the District of Columbia.....	11,880,322	13,068,356	Nevada.....	\$7,862	\$8,648
Alabama.....	58,877	64,765	New Hampshire.....	68,312	75,143
Alaska.....	4,542	4,997	New Jersey.....	583,883	642,271
Arizona.....	63,420	69,762	New Mexico.....	53,112	58,423
Arkansas.....	23,411	25,752	New York.....	1,660,624	1,826,688
California.....	770,998	848,098	North Carolina.....	38,611	42,472
Colorado.....	84,909	93,400	North Dakota.....	40,183	44,202
Connecticut.....	219,961	241,957	Ohio.....	772,221	849,443
Delaware.....	37,888	41,127	Oklahoma.....	39,659	43,625
Florida.....	174,711	192,182	Oregon.....	67,089	73,798
Georgia.....	51,540	56,604	Pennsylvania.....	1,188,556	1,307,413
Hawaii.....	58,353	64,189	Rhode Island.....	103,953	114,348
Idaho.....	17,935	19,795	South Carolina.....	29,876	32,863
Illinois.....	1,046,601	1,151,361	South Dakota.....	46,298	50,928
Indiana.....	260,494	286,543	Tennessee.....	62,197	68,417
Iowa.....	192,881	212,169	Texas.....	294,213	323,634
Kansas.....	101,157	111,273	Utah.....	11,880	13,068
Kentucky.....	176,108	193,719	Vermont.....	34,767	38,244
Louisiana.....	280,236	308,259	Virginia.....	109,369	120,306
Maine.....	68,661	75,527	Washington.....	110,767	121,843
Maryland.....	266,259	292,885	West Virginia.....	34,069	37,475
Massachusetts.....	508,233	559,057	Wisconsin.....	502,468	552,715
Michigan.....	653,068	718,375	Wyoming.....	7,687	8,456
Minnesota.....	324,962	357,458	District of Columbia.....	47,347	52,081
Mississippi.....	36,689	40,358	American Samoa.....	2,621	2,883
Missouri.....	331,077	364,184	Canal Zone.....	1,398	1,537
Montana.....	40,708	44,778	Guam.....	8,037	8,840
Nebraska.....	111,990	123,188	Puerto Rico.....	102,031	112,234
			Virgin Islands.....	5,591	6,150

NOTE.—Distribution of 12 percent of total authorization on the basis of total estimated nonpublic school enrollment, fall 1965.

Comparison of authorizations—Higher Education Amendments of 1966, H.R. 14644

[In thousands of dollars]

Program	Admin- stration recom- mendation 1967 ¹	As passed by the House			As reported by the Senate			As reported by conference		
		1967	1968	1969	1967	1968	1969	1967	1968	1969
Grand total.....	780,000	750,000	997,000	1,227,000	1,212,000	1,350,000	1,518,000	772,000	1,350,000	1,463,000
I. Higher Education Facilities Act of 1963 (total)	(720,000)	(720,000)	(997,000)	(1,227,000)	(1,087,000)	(1,255,000)	(1,463,000)	(742,000)	(1,255,000)	(1,463,000)
A. Title I (total)	460,000	460,000	707,000	907,000	567,000	735,000	943,000	482,000	735,000	943,000
1. Public community colleges and technical institutes	99,660	99,660	154,000	198,000	140,000	182,000	234,000	104,500	167,440	224,640
2. Other undergraduate facilities	353,340	353,340	546,000	702,000	420,000	546,000	702,000	370,500	560,560	711,360
3. State commissions	7,000	7,000	7,000	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	60,000	120,000	120,000
C. Title III—Loans	200,000	200,000	200,000	200,000	400,000	400,000	400,000	200,000	400,000	400,000
II. Higher Education Act of 1965, title III—Developing institutions	30,000	30,000			55,000	55,000	55,000	30,000	55,000	
III. National Defense Education Act of 1958 (total)	30,000				70,000	40,000			40,000	
A. Title II—Student loan programs (total) ²	(30,000)				(60,000)	(30,000)			30,000	
1. Loans to students					30,000	30,000			30,000	
2. Loans to institutions	30,000				30,000					
B. Title III—Equipment ³					(10,000)	(10,000)			(10,000)	

¹ The administration recommendation did not contain specific authorizations beyond fiscal year 1967.

² New obligational authority; present law authorizes \$190,000,000 in fiscal year 1967 and \$195,000,000 in fiscal year 1968.

³ New obligational authority; present law authorizes \$100,000,000 for fiscal year 1967 and 1968.

Mr. MORSE. Mr. President, the conference report which I have just entered into the RECORD sets forth the major agreements which have been reached. My further comments are solely amplifications of certain points.

Because of the tremendous interest which has been made manifest by Senators in the student loan program of title II of the National Defense Education Act during the course of our hearings this year, I believe that Senators will be pleased to learn that we were successful in holding the Senate provision for fiscal year 1968 for this purpose at the Senate figure of \$225 million, an increase of \$30 million over the presently authorized \$195 million for this purpose. It is a source of regret that we were unable, however, to increase for this fiscal year by \$30 million the presently authorized \$190 million sum. In this connection, also, the new Administration program which was presented and which was in the Senate bill, which would have provided, through sales participation techniques, an additional source of funding, did not survive the conference. But in view of the current suspension of this program, there was serious question as to whether it would, for the balance of this year, provide the source of additional relief that the administration hoped to obtain.

We are only some 2 to 3 months away from a new Congress. I feel sure that if the administration puts forward the proposal in connection with its legislative program in the 1st session of the 90th Congress, it will be given the opportunity to present the arguments in support of this program and it can be properly considered at that time.

I am also very pleased to report to the Senate that the provision for extension of 100 percent forgiveness of National Defense Education Act title II loans to teachers of handicapped children emerged unscathed from conference. In this connection, Mr. President, for the purpose of making legislative history, I should like to state that other health impaired children, in the view of the Senate conferees, ought to be construed in accordance with the handicapped children title of the Elementary and Secondary Education Act of 1965, as amended, by the public law which I hope will follow from the acceptance of the conference report on the Elementary and Secondary Education Amendments of 1966.

I am also pleased that the loan forgiveness provisions of title II of National Defense Education Act which are contained in the Senate bill, with respect to the teachers in the Trust Territories of the Pacific also emerged from conference. This places those teachers in the same position as teachers in the United States with respect to loan forgiveness.

I particularly wish to salute at this time the staunch support I have received on this bill and in this area from my colleagues on the minority side, Senator PROUTY, of Vermont; Senator JAVITS, of New York; and Senator DOMINICK, of Colorado, who stood shoulder to shoulder with Senator HILL, Senator YARBOROUGH, Senator CLARK, Senator RANDOLPH, Sen-

ator KENNEDY of New York, and Senator WILLIAMS of New Jersey on the majority, in our united determination to provide recognition to the problems of handicapped children in obtaining the special education they need. This was evidenced once again in the conference reported bill in the provision of section 8, which insures that facilities constructed with Federal funds under this act shall, to the extent appropriate, be accessible to and usable by handicapped persons.

The conference committee also approved the Senate addition of industrial arts as a category under the equipment grant program contained in title III of the National Defense Education Act. However, it was agreed that this would not become effective until July 1 next, at which time the total authorization for this program will also be increased by the \$10 million. The reasoning behind Senate acceptance of this change was cogently presented by the House managers and it was to the effect that we are well advanced in the fiscal year and that to make the new regulations which must be written applicable in this fiscal year could cause uncertainly and disruption of planning on the part of the local school officials.

By being given advance notice of this change, school officials will be able to plan carefully the extent to which they may wish to participate in this program. I would also add as the chairman of the Senate conferees, that there was a general agreement that by adding this additional category at this time we are not foreclosing further consideration of title III next session. Then, I hope we can give very careful consideration to such additional disciplines as may need to be included and, indeed, it would be my hope that we can obtain testimony which will give us the factual basis for such other changes in the language as in the view of our school officials are deemed justified.

I think I am not overstating the general agreement on both sides of the aisle and on both sides of the Capitol that in the administration of this program we should make sure that the Office of Education does not set priorities in any sense of the word, that in the administration of this title as in the other parts of educational legislation, the decisions are those which are freely taken by local school authorities.

Finally, Mr. President, I wish to report that we brought back from conference the provision which should help to bring the insured loan program of title IV of the Higher Education Act of 1965 closer to reality for students in the District of Columbia.

In concluding this opening statement on the conference report, I reiterate what I have said before, that we believe this is a sound compromise and one which is deserving of Senate support. I should like only to add that I have deep appreciation for the spirit which prevailed in the conference and I wish to commend our colleagues in the other body and their able and efficient staff for the preparatory work, which I am sure smoothed the path for the conferees.

Mr. President, the chairman of the conference, upon my motion was the Representative from New York [Mr. POWELL], and the chairman of the House conferees was my colleague from Oregon, Mrs. EDITH GREEN. Mr. POWELL and Mrs. GREEN, in my judgment, exhibited at all times in the conference a fairness and a desire to work out the compromises that I have reported to the Senate; and in behalf of my conferees on the Senate side, I wish to thank Representatives POWELL and GREEN. In fact, I wish to thank all the House conferees for the cooperation they extended to us, and for the understanding and fairness they exhibited at all times.

He may close his ears for a moment if he wishes, but I wish to say of the Senator from New York [Mr. JAVITS], who is with me on the floor of the Senate at this time—and who exercised the proxy of the Senator from Vermont [Mr. PROUTY] who was in the hospital—that I would not have this conference report today were it not for the unfailing cooperation Senator JAVITS has extended to me at all times, not only in connection with this bill, but in connection with other education bills I have presented to the Senate.

I have said this, in effect, before, but I wish to put it this way now: In my years in managing educational bills in the Senate, Mr. President, I have never brought to the floor a single educational bill without knowing and having the understanding in advance with Senator JAVITS, Senator PROUTY that, although they might offer amendments to the bills—and they did offer amendments—on the floor of the Senate, that after the Senate had worked its will on those amendments I could count on their support for final passage.

This is not well understood by some, in and out of the Senate. I have said, for example, to people downtown in the Government agencies, and to people in the educational associations of the country, "I will not go to the floor of the Senate with an education bill unless I can have the support of the Republicans in the Senate and the Republicans on the committee. So long as there is extended to me by the minority the cooperation that ought to be extended to the manager of a bill, in trying to work out fair and reasonable compromises of differences that may develop within the committee or within the Senate, I shall be glad to do so."

I think the Senator from New York—and through him I speak also to Senator PROUTY and Senator DOMINICK—and the other members of the minority are entitled to have this RECORD show from me as the manager of the bill my deep appreciation, which I express not only in my own behalf, but in behalf of every Democrat on my committee, for their unfailing cooperation and assistance, as we have sought to serve the educational needs of this country. Particular thanks are also due to Senate and House legislative counsel and counsel of the committees for excellent work produced under great pressure of time.

Mr. President, I move the adoption of the conference report.

Mr. JAVITS. Mr. President, I shall be very brief.

First, I acknowledge with deepest gratitude and greatest friendship the very fine things said about the minority by the Senator from Oregon. He, of course, omitted to add that without a manager there would be no bill and no opportunity for the minority to make its contribution.

He has handled this measure in the most exemplary style. WAYNE MORSE is, on occasion, a maverick, and sometimes may needle many of us here with the positions he takes. However, when charged with the management of a bill, there is not a man in the Senate who has greater skill and greater capability for serving and responding to the feelings of the majority of Senators, in trying to put together a measure which will merit and receive their support, and in piloting it through the Scylla and Charybdis of conferences, the give and take of the representatives of the two Houses, the attitude of the time, and all the other perils. I think the country is indeed fortunate to have a Senator who can personify in a single individual a lone voice, if need be, willing to stand alone on the most unpopular issues, and on other occasions the very model of what it means to be a Senate leader, with the real ability to put a measure through.

I congratulate the Senator. I feel certain that the American people really appreciate his efforts.

Mr. MORSE. I am just human enough never to grow tired of such fine statements; I only wish I deserved them.

Mr. JAVITS. I thank the Senator from Oregon.

Mr. President, we of the minority are most gratified that we were able to make contributions to this bill—and they are made by every member of the minority, as the Senator from Oregon has so generously said.

I wish particularly to invite attention to the contribution made by the distinguished Senator from Vermont [Mr. PROUTY]—due to illness he was unable to join us in the conference—on the matter of adding industrial arts to title III of the National Defense Education Act which is so important to the country. It is highly important that we provide effective training in this field. We are coming more and more to the stage where the industrial arts will need to be operated by college graduates. It is estimated that as many as 25 percent, or double the present number of operatives in industry within the United States during the next decade, will have to be professionally trained. This will present great problems to our colleges.

Senator PROUTY's ideas, which will take effect next year, beginning in fiscal year 1968, will be of immeasurable help in assisting the country to meet that responsibility.

I take great pleasure myself in the approval by the conference of the provision for loan cancellations for teachers of handicapped children which I sponsored and in which Senator PROUTY joined. In this field there is a tremendous shortage of teachers; 300,000 teachers a year

will be needed, yet only 12,500 a year are being graduated. This is a most humanitarian, constructive work, and we must encourage our young boys and girls to enter upon it.

I also take great pleasure in the advancement and progress made by junior colleges, again with the tremendous help of the Senator from Oregon [Mr. MORSE]. We are gradually beginning to step up our participation in junior colleges with a 23-percent contribution for next year and 24 percent the following year as contrasted with 22 percent of available funds this year.

This program, too, is extremely important, because almost everyone in the country in the years ahead will need a college education of some kind in order to hold his own in economic competition. So the 2-year junior and community college is extremely important to enable America to meet the challenge of providing higher education for all our children, no matter what their economic status. The Senator from California [Mr. MURPHY] joined me in sponsoring this provision.

I really believe that a most constructive bill has been fashioned under the generalship of Senator MORSE, and that each of us who had the privilege to contribute to it has every reason for gratification at this stage of the proceedings.

I join the Senator from Oregon in urging the Senate to approve the conference report.

Mr. YARBOROUGH. Mr. President, my only regret about the conference report on the higher education bill is that we were unable to provide more adequate funds for American higher education. The need is so great and we are still not meeting it as we should. Education is the most valuable investment we can make. It is because of education more than anything else that America is the strongest nation in the world and has the highest standard of living. But great credit that the bill is as good as it is is due the ability and determination of the distinguished senior Senator from Oregon, WAYNE MORSE. His brand is on every education bill of the last 6 years.

Now we are making a great effort to spread the blessings of education to more of our citizens. Our goal is to enable each American to advance as far in the educational process as he has the ability and desire to go. This is one of the most important of American freedoms—the freedom to receive an education commensurate with one's abilities and desires, regardless of the size of a parent's pocketbook.

In view of current budgetary problems, however, I believe that this is a realistic bill, and about the best we can hope for at the present time. The conference bill authorizes \$475 million for the construction of undergraduate facilities in fiscal year 1967, \$728 million in 1968, and \$936 million in 1969. The percentage going to junior colleges was increased, in recognition of their explosive growth—a 100-percent enrollment increase in 5 years—from the present 22 percent to 23 percent in 1968 and to 24 percent in 1969. The junior or community college is a

uniquely American invention, and it is doing a wonderful job in allowing young people to continue their educations who otherwise would have to stop with high school if they had to undergo the expense of going off to a 4-year institution in another town.

The total authorization for fiscal year 1967 is \$955 million. For 1968 it is \$1,608 million. This money will go for the undergraduate construction grants already mentioned, graduate construction grants, undergraduate facilities loans, grants to developing institutions, and NDEA student loans.

Texas badly needs these funds. My State is 35th in the Nation in per capita expenditures for institutions of higher education. This bill authorizes \$25,066,222 in grants for construction of undergraduate facilities in Texas colleges and junior colleges during fiscal year 1967. \$10,439,746 is authorized for National Defense Education Act loans to students. Additional amounts are authorized for graduate facilities construction grants and for construction loans.

Recently proposals have been made in my State to increase tuitions in our State colleges and universities. I am strongly opposed to such proposals, because that is the wrong way to increase educational expenditures. Education benefits everybody, and the State has the duty of providing our boys and girls an education. The State government should improve Texas higher education. Increasing tuitions places the whole burden of the increase on those who, by and large, can afford it least—the students, especially those from moderate- and low-income families, which include over 90 percent of the students. Our immediate goal should be to provide a free public education through the junior college level as they do now in California.

The PRESIDING OFFICER (Mr. STENNIS in the chair). The question is on agreeing to the conference report.

The report was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

FOOD FOR PEACE—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14929) to promote international trade in agricultural commodities, to combat hunger and malnutrition, to further economic development, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. ELLENDER. Mr. President, the report adopted by the conferees of the House and Senate on Public Law 480 is essentially the same as the bill passed by the Senate.

Senators may remember that the Senate bill differed from the House bill on 38 major points. Of these the Senate conferees were able to retain a total of 34 of the amendments that we made to the House bill.

In essence the report before the Senate today provides for:

First. A 2-year extension of Public Law 480;

Second. An authorization of \$1.9 billion per year for foreign currency and dollar credit sales;

Third. Six hundred million dollars per year for donations of agricultural commodities;

Fourth. Emphasis on self-help;

Fifth. Dollar credit sales on 20-year terms with a 2-year grace period;

Sixth. Foreign currencies received under future agreements to be convertible to the extent of American tourist expenses, or 25 percent of the currencies so received, whichever is less;

Seventh. A realistic exchange rate;

Eighth. Retention of the existing requirement that dollar credit sales not replace cash sales;

Ninth. Dollar credit sales agreements to specify the economic development to which the sales proceeds will be devoted;

Tenth. The establishment and expansion of institutions for adaptive agricultural research among the self-help criteria of section 109;

Eleventh. Requiring that title I agreements show that the recipient country is engaging in a self-help program, and providing for termination of the agreement if such program is not carried out;

Twelfth. An expression of the sense of the Congress that the assistance of other countries should be sought;

Thirteenth. A prohibition against the disposition of any commodity under the act if such disposition would result in a shortage;

Fourteenth. Fourteen additional members to the Advisory Committees as follows: the Secretary of State, the Secretary of the Treasury, the second ranking majority and minority members of the House Committee on Agriculture, the second ranking majority and minority members of the Senate Committee on Agriculture and Forestry, the top two majority and top two minority members of the House Foreign Affairs Committee, and the top two majority and minority members of the Senate Foreign Relations Committee;

Fifteenth. An annual Presidential report to be made not later than April 1;

Sixteenth. Publicizing the concessionary nature of title I sales; and

Seventeenth. Restrictions against sales under title I to other than friendly nations as defined in section 103(d).

With regard to North Vietnam and Cuba, the conferees agreed on the following language:

(3) for the purpose only of sales of agricultural commodities under title I of this Act, any nation which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam (excluding United States installations in Cuba) any equipment, materials, or commodities so long as they are governed by a Communist regime: *Provided*, That with respect to furnishing, selling, or selling and transporting to Cuba medical supplies, non-strategic raw materials for agriculture, and non-strategic agricultural or food commodities, sales agreements may be entered into if the President finds with respect to each such country, and so informs the Senate and the House of representatives of the reasons therefor, that the making of each such agreement would be in the national interest of the United States and all such findings and reasons therefor shall be published in the Federal Register.

The language agreed upon by the conferees will permit, if it is determined to be in the national interest, sales agreements with countries who send to Cuba only such items as medical supplies, non-strategic raw materials for agriculture, and nonstrategic food and agricultural commodities. The term "agricultural commodities" is intended to cover jute as well as other products produced from agricultural commodities.

The Senate bill also contained a maintenance-of-value clause which was proposed by the distinguished Senator from Illinois [Mr. DIRKSEN] and adopted by the Senate. The language proposed by the Senator from Illinois has been omitted from the conference substitute, but we believe that the objective he sought is preserved. The substitute provides for progressive transition either to credit sales for dollars or to credit sales for foreign currencies with full maintenance of value and the right to convert to dollars. In some ways this goes beyond the amendment of the Senator from Illinois, since it provides not only for maintenance of value, but for convertibility as well. We will not merely receive more foreign currencies, but what is more important, we will be able to convert them to dollars and bring them home. The transition should begin immediately and should be completed in 5 years.

I feel sure that the Senator from Oregon [Mr. MORSE] and the Senator from Arkansas [Mr. FULBRIGHT] will be glad to know that the Senate provision which specified the Secretary of Agriculture as the official to designate the countries with which agreements could be signed has been omitted from the conference substitute. The House insisted that the President be given this authority and the Senate conferees receded from the Senate position.

Mr. President, when the extension of Public Law 480 was before the Senate for approval it was made abundantly clear that under its provisions the administration was expected to pursue a course that would lead to a complete transfer from foreign currency sales to credit sales for dollars during the next 5 years if that were at all possible. To the extent that

such transition was not possible, transition was to be made to sales for foreign currencies on terms permitting conversion to dollars and providing the same dollar return to the United States as is required of loans under section 201 of the Foreign Assistance Act of 1961. In order to provide for this transition, the administration had recommended a softening of the dollar credit sales terms. But the Senate provided for accomplishment of this transition without changing the dollar credit sale terms or diminishing the significance of "dollar credit sales" as "hard" sales.

In other words the Senate maintained the existing requirements for dollar credit sales. Under these requirements payment on dollar credit sales must be made in not more than 20 years, with not more than 2-year deferral of the date for beginning annual payment. These are the terms applicable to agreements totaling \$808 million signed under existing law. This program has worked well and it is helping our balance-of-payments position.

On the other hand, the House had adopted the administration proposal and provided for dollar credit sales on the terms provided by section 201 of the Foreign Assistance Act of 1961. Payment may be made under that section over a period of 40 years with a 10-year grace period—or even longer if the President sees fit. The Senate and House Conferees agreed that it would be a mockery to provide for terms of 40 years, with no principal payments for 10 years, and call such sales "dollar credit sales." Such terms are so much softer than those we now know as dollar credit sales, that they would completely change the meaning and significance of "dollar credit sales." In retaining the 20-year repayment and 2-year grace limits of existing law it is our intention to spotlight the success, or lack of success, of the transition to dollar sales. The achievement of transition to these dollar credit terms should be our objective. However, like the Senate, the conferees realized that it would be difficult, if not impossible, to have a complete transition to dollar credit terms for all countries purchasing commodities under Public Law 480.

Therefore, the conferees adopted the Senate provision permitting sales for foreign currencies convertible to dollars on terms as favorable to the United States as those provided by section 201 of the Foreign Assistance Act of 1961, as amended. The conferees modified it, however, to permit these convertible foreign currency sales to be made on credit terms, instead of requiring them to be made on a cash basis with the proceeds immediately being loaned to the purchasing country. This change was intended as a change in form only, to eliminate unnecessary procedures.

During the period allowed for repayment, amounts already received by the purchasing country from the resale of the commodities would be required to be devoted to economic development or other purposes designed to carry out the objectives of the act.

In essence, the conference report provides for three types of sales: first, foreign currency sales as we now know them; second, foreign currency sales on credit terms convertible to dollars; and, third, dollar credit sales with payment in not more than 20 years with not to exceed a 2-year grace period.

As chairman of the Senate Committee on Agriculture and Forestry, it is my intention to follow very closely each agreement that is signed under this bill with each country in order to see how quickly and completely the administration accomplishes the objectives of moving from nonconvertible soft currency sales to dollar credit sales.

We no longer have huge surpluses of food commodities. Everything that moves under Public Law 480, with the exception of cotton, must be produced specifically for that purpose. Therefore, our negotiators must take these facts into consideration when dealing with nations.

Finally, Mr. President, I wish to point out that section 401 of this report requires that "no commodity shall be available for disposition under this act if such disposition would reduce the domestic supply of such commodity below that needed to meet domestic requirements, adequate carryover, and anticipated exports for dollars as determined by the Secretary of Agriculture at the time of exportation of such commodity."

In other words, this act not only fully protects and assures a supply of food and fiber for domestic use, but it also protects our dollar markets, and assures an adequate carryover.

In my opinion, and I am sure in the opinion of the other conferees who signed it, the report before the Senate today provides for a highly desirable and realistic program under which this country can still provide our foreign friends with needed food and fiber, and at the same time protect our farmers and this country against injury.

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

Mr. ELLENDER. I yield.

Mr. CARLSON. Mr. President, I just wish to commend the distinguished chairman of the Committee on Agriculture and Forestry for bringing us this conference report today on a piece of important legislation, as far as agriculture is concerned.

I was pleased to hear the Senator state that the conference report contains practically the language that was approved in the Senate, which I thought was a great step forward, when it comes to dealing in international trade, particularly under food-for-peace programs, which are largely the results of sale, or have been, for foreign currencies. I think that a great step has been made in that area, and the chairman is entitled to much credit.

The legislation that is being considered by the Senate at this time is of great importance to the agricultural sections of this Nation, as it will determine largely the amount of commodities we will be able to export; and, with the chairman, I sincerely hope that we may

export as much as possible of our agricultural products for dollars.

It is true that in the past few years, with large surpluses, we have not been able to dispose particularly of large quantities of wheat for foreign currencies. I certainly have not objected to it, and I do not object now. But it is encouraging to hope, at least, that we can sell more for dollars in the future than we have in the past.

The amendments adopted this year provide a basis for a much more effective food-for-peace program than heretofore. In particular, the emphasis on self-help programs provides a real opportunity for encouraging the development of needed local food production in many countries and especially a more effective food distribution of both domestic and imported supplies.

The act, as I understand it, gives considerable freedom to administering agencies for carrying out these self-help programs, and it is on that basis that I hope that the people dealing with the trade negotiations in GATT will also observe the agreements that we have made and the legislation we have approved in the Senate, because I think it is important as we are dealing with the Kennedy round in Geneva at the present time.

After seeing the results of many previous overseas programs of this kind, I am somewhat concerned if the Congress has given too much general authority so that it will not be long until we see a number of projects being approved or encouraged that will prove harmful and restrictive to world trade because they are not economically sound for the country and will require special protection.

As one interested in the present GATT trade negotiations, I am very conscious of this problem and I sincerely hope that this new program will not encourage additional restrictions to international trade in food commodities. To do anything that will encourage more restrictions, especially at the very time we are trying to negotiate to reduce existing restrictions, just does not make sense to me and I am sure that most of my colleagues will agree. Should such a development start to occur, I plan to submit amendments to this act later that will be directed to deal with this kind of problem.

One matter that greatly concerns me about the Kennedy round and the trade agreements in GATT, which are now being considered in Geneva and must be acted on before July 1, 1967—unless Congress acts again—is that they keep in mind the problems of agriculture in writing these agreements.

I have attended one or two of these conferences, and I do not think that we have difficulty in dealing with industrial products; but there is great concern on my part in regard to taking care of agriculture as I believe it properly should be done.

Meanwhile, I believe that it will be very useful for those agencies and officials concerned with administering this program to have made available to them a statement on "U.S. Food for Export, Aid and Development" submitted by the

Millers' National Federation to the New York public hearing of the National Advisory Commission on Food and Fiber.

I quote the following paragraph from the statement:

With respect to basic food products such as wheat foods, one of the most constructive results that might be achieved from this program would be the encouragement in every participating country of an open and non-discriminatory trading system for such foods to reach the masses of the people of the country at as low a cost as possible. It is largely trade restrictions and protection that make bread a luxury in so many countries, and "Food for Freedom" could be achieved in fact as well as in name if this Act were administered to reduce barriers to basic foods.

If this thought is kept in mind and becomes something of a guideline for considering self-help projects, this 1966 Food for Peace Act will indeed become a historic one.

Again, I wish to say that I commend the chairman for his splendid work in this field.

Mr. ELLENDER. I thank the Senator from Kansas.

Mr. President, I yield to the Senator from North Dakota [Mr. YOUNG].

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). The Senator from North Dakota is recognized.

Mr. YOUNG of North Dakota. Mr. President, I wish to commend the Senator from Louisiana, the chairman of the Committee on Agriculture and Forestry [Mr. ELLENDER] for the excellent work which he did in getting this program through and passed in a workable way. This bill means a great deal to people in the area from which I come, as it does to the people in the Kansas area, the two principal wheat producing areas.

There are involved over 800 million bushels a year of exports of wheat. About two-thirds of all our wheat exports are under this Public Law 480 program.

When the Secretary of Agriculture contemplated announcing a second increase in wheat acreage, I told him he should wait to see what happened to the extension of Public Law 480; if they had severe restriction on the exports of wheat, this additional acreage would mean that we would pile up a surplus of wheat again and have low prices.

Mr. President, this is a most important piece of legislation that Congress has passed affecting the future of the wheat producers.

Mr. ELLENDER. I am glad to hear my good friend's remarks. As he will recall, we had quite a battle, as I pointed out a while ago. There were 38 points of difference, and we carried 34 of those 38 points, which I thought was very good. I think the bill, as it will become law, is a great improvement on the present law.

As the Senator from Kansas [Mr. CARLSON] pointed out, we have specific language in the bill to get the recipient countries to produce their own products instead of our having to furnish them. That is why I said I am very anxious to follow through with these agreements to see that the recipient countries do their

best to produce their own wheat and not lean on the shoulder of this country, as they have in the past.

Mr. YOUNG of North Dakota. Mr. President, Senator COOPER has been deeply interested in this program, since the original enactment of Public Law 480, which he cosponsored in 1954, and has worked, spoken, and voted for its extensions. He has faithfully followed the progress of the food-for-freedom proposal this year, and participated fully in the development by the committee of the measure adopted by the Senate on August 31—and which after conference with the House is maintained in this final bill.

The knowledge and experience in this field of the Senator from Kentucky has been helpful to all of us on the committee, and I ask unanimous consent that a statement by Senator COOPER be included at this point in the RECORD.

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

STATEMENT OF SENATOR JOHN SHERMAN
COOPER

I am very glad, as I know all of us are, that the Food for Peace Act of 1966, adopted by the Senate by a vote of 74 to 2 on August 31, will be enacted by the Congress before it adjourns. The differences between the Senate and House bills have been resolved in conference, principally along the lines of the bill recommended by the Senate Committee on Agriculture, on which I serve. In this way, Public Law 480, which I cosponsored twelve years ago, will be extended for at least two years—and with new emphasis and purpose.

I take this opportunity to recognize especially the thorough and painstaking work of the Chairman of our Committee (Mr. ELLENDER) as well as of the ranking minority members Senators AIKEN and YOUNG, in developing a bill which will open up new markets abroad for American farm products, which will encourage self-help by the developing nations, and which has won the overwhelming approval of members of Congress. During our hearings, I recall also the effective testimony of the Secretary of Agriculture, Orville L. Freeman, and of officials of the Department of State and the Agency for International Development, who will share the responsibility for the operation of this program.

I think it fair to say that the Food for Peace Act of 1966 is perhaps the most important legislation to come before the Agriculture Committees this year. It is designed to enable farmers to produce food and products to (1) meet domestic and dollar export needs, (2) provide this nation a reserve against emergencies, (3) help the developing countries meet their food needs while building up their own agriculture, and (4) open up new markets abroad for American farm products.

The Food for Peace Act—originally proposed by the President as the "Food for Freedom" bill—makes three fundamental changes of emphasis in its extension of PL 480. First, it authorizes the Secretary of Agriculture to take into account world food needs, and allows farmers to produce for this purpose, so that the program will no longer be wholly dependent on surplus stocks.

Second, it requires that recipient countries take definite steps to develop their agriculture—so that they can effectively work toward the goal of providing adequate food for their growing populations. It is a fact that this country no longer has the vast agricultural surpluses it had in 1954 and, by

1980, a world population exceeding three billion will be demanding about 800 million tons of food grains—or 300 million tons more than is currently consumed. And it is reported that the world could experience a food crisis by 1985.

Third, it is the purpose of this bill to move away from sales of agricultural commodities for foreign currencies—and to shift within a period of five years, so far as that is possible, to dollar credit sales. The bill authorizes terms of up to 20 years, not unlike the terms of loans extended by AID under the Foreign Assistance Act, and following the pattern of dollar credit sales which have already proved desirable and successful under the existing PL 480 program.

This program is related and complementary to our other programs of assistance, and I do point out that I have supported these efforts, and this year again support the Foreign Aid Appropriation Act, just as I support this Food for Peace bill.

I have confidence that our American farmers, who responded to their country's call during the Korean war and the two world wars to step up their production—and who later accepted voluntary production controls to bring supplies into balance with demand—will again make the adjustment to higher production. And at this point, I would like to say that Congressional actions this year on an extension of PL 480 with more specific goals is timely—for the General Advisory Committee on Foreign Assistance Programs, set up by the President along the lines of my resolution, has been studying our aid programs on a country-by-country basis for about a year and a half.

When the Food for Peace Act was before the Senate earlier, an amendment was offered to prohibit the donation or sale of alcoholic beverages and tobacco. In the debate, I pointed out that alcoholic beverages had never been included, and there had been no donation of tobacco or tobacco products—and none was intended. The Senate adopted instead my own amendment, by a vote of 60 to 15, making clear the intention and providing the authority to continue our tobacco exports sales program. The Senate-House conference adopted this Senate provision, confirming the intention of the Congress that this program be continued.

The larger purpose of the bill is to share the abundance of American agriculture, and the productivity of American farmers, with those who do not now have the capacity to produce enough food, to expand our agricultural markets abroad through dollar credit sales, and to provide the authority to meet hunger, starvation and famine where these unhappy events occur.

It is a worthy purpose, and a good bill. I was glad to work for its development, and I am happy to support today its final enactment.

Mr. ELLENDER. Mr. President, I move the adoption of the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. ELLENDER. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

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

The motion to lay on the table was agreed to.

TRIBUTE TO SENATOR A. WILLIS
ROBERTSON

Mr. STENNIS. Mr. President, the October issue of the American Banker car-

ries a splendid editorial entitled "Out of the Thicket." The editorial points out the value of the Financial Institutions Supervisory Act of 1966, and it also puts special emphasis on the role played by our colleague, Senator A. WILLIS ROBERTSON, in the formulation and passage of this important congressional act.

The editorial is of special value in its analysis of the act, and is so accurate in the evaluation of the services of Senator ROBERTSON to the Senate and to the Nation. I ask unanimous consent that the text of the editorial be printed in the RECORD at this point.

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

OUT OF THE THICKET

The Financial Institutions Supervisory Act of 1966 finally has been pushed through the Congressional thicket, and is on its way to the President for signature. The original package, which has come to be known as the cease-and-desist bill, has been bent, pounded, slashed and patched in the process—but it comes out remarkably close to what most of the banking industry believed was needed. The compromises which were necessary to achieve passage did no serious damage—and indeed, in some cases, now are considered to have made the final result more effective than the original proposal might have been.

Specifically, one compromise reached in the joint House-Senate conference on the bill may turn out to be quite useful. This is the agreement to set a time limit, of almost six years, on the cease-and-desist powers it gives to the regulatory agencies.

The agencies want these powers, which refine the means at their disposal of discipline over financial institutions. In simplest form, these powers give the agencies the authority to tell a financial institution to stop doing certain things, or to throw out certain people, without having to go the extreme of closing the whole place down.

This refinement opens up whole new areas of disciplinary responsibility to the agencies; and while there is a widespread belief that this will be a good thing, there is room for reasonable doubt as to just how useful it will be. Therefore, the action of the Congress in setting a termination date for these powers makes sense. One high regulatory official expressed complete satisfaction with this decision. "If the new powers are any good at all, we can prove their value in that time," he said. "The time limit should encourage us to do so."

For obviously if the new tool is not used and just rusts, it will be much better to have the time limit, which will junk it automatically, than for the industry to have to take the initiative at some future date to get it dropped, or to tolerate its existence passively.

The deadline serves notice on the regulatory agencies to use their new powers well—but above all to use them.

Another important aspect of the new legislation is the nature and intensity of the debate among bankers which surrounded it almost from the beginning. It was an issue which came very close to creating a serious division among bankers. The American Bankers Association, after vigorous debate, endorsed the original proposition, but resisted strongly, albeit vainly, the effort to increase the insurance limit on deposits in banks and savings and loan associations. A number of state associations broke with the ABA on the need for cease-and-desist powers, as did the National Association of Supervisors of State Banks and the Independent Bankers Association of America; they regarded the whole proposition as a further encroachment of Federal power into state affairs.

Much of the opposition died down in the course of the long legislative process, however, as positions were clarified and compromises made. By the time the bill was enacted in final form, the banking industry consensus seemed to be much stronger than it was at the start. Considering the high emotional content of some of the early debate on the issue, that is no mean accomplishment, and attests to the essential reasonableness of most of the participants.

No review of the cease and desist bill would be complete without special emphasis upon the role played by Sen. A. WILLIS ROBERTSON, D., Va., chairman of the Senate Banking and Currency Committee, in the crucial House-Senate conference. There the Senate view, that the new regulatory powers be made permanent, came into conflict with the House view, that they should expire after 20 months. Sen. ROBERTSON led the fight for the Senate view, and effected a meaningful compromise that the new powers should remain in effect for almost six years—long enough for a thorough test of their value.

He fought with all the skill and courage which have characterized his 35 years in Congress—15 in the House, and 20 in the Senate. It was his last legislative battle. He lost in his primary bid for renomination last month, and so is serving out his term as a lame duck.

Banking should have ducks lame like this!

Mr. STENNIS. Mr. President, as our friend, the Senator from Virginia [Mr. ROBERTSON] completes his term in the U.S. Senate, I know that the Senate is losing one of its most valuable and highly esteemed Members. I know that I am losing from this membership a very dear friend, but I certainly am not losing his friendship.

Mr. President, as long as character, honor, integrity, trust, confidence, and loyalty remain cardinal virtues in the minds and hearts of the people of our Nation, and as long as these virtues remain the guiding principles in the operation of our Government, just that long will the influence of the efforts and achievements of our esteemed friend from Virginia live and influence the course of our Government. In a striking and highly effective way he has personified and helped build these principles into the very fabric of legislation and other policies of our Government. His name will be honored, respected, and esteemed as long as these virtues live.

It is true of WILLIS ROBERTSON, as it was true of a great teacher whose graduating class paid him this compliment: "You will be a part of us and our offspring forever." So will his public service be a part of our Nation forever.

RULE XXII

Mr. JAVITS. Mr. President, when the civil rights bill of 1966 was dropped I said that I would put in the RECORD an analysis of what the Vice President should think about in the recess as to what his ruling should be in order to enable the Senate at long last, as the Constitution provides, to deal with the amendment of rule XXII in the opening of the next Congress.

Mr. President, the fulcrum of the matter is this: If the Vice President rules that the majority of the Senate has a right, free of rule XXII, to close debate because it is the beginning of a new Con-

gress, and because the Constitution so provides, then an appeal from his ruling is nondebateable and the Senate can work its will. But if—as did then Vice President Lyndon Johnson, did—he refers that question to the Senate, it is debateable, and you double back on yourself and you are in the same kind of filibuster that can only be closed off—nobody knows how—but supposedly by rule XXII. That is the essence of the question.

This memorandum marshals all the precedents, and makes a strong argument that the Vice President should, as Vice President Nixon indicated in his advisory opinion when he was Vice President, that the Vice President should rule and let the Senate exercise its will on a non-debateable appeal, and that is the way to settle this historic question.

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

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

Rule XXII of the Senate permits limitation of debate only upon the vote of two-thirds of the Senators present and voting, two days after a petition for cloture has been filed by sixteen Senators. Thereafter, debate is limited to one hour for each Senator on the bill itself and on all motions and amendments affecting it.

Between the adoption of Rule XXII in 1917 and the present time, the Senate has voted 34 times on the question of cloture. Six of these efforts have been successful, but in the remainder of the cases, a one-third minority of the Senate was able to kill measures which they opposed, by filibuster.

A major obstacle to Senators seeking to change Rule XXII has been the question of whether the Senate was a continuing body whose rules carried over from one Congress to the next, or whether it could adopt new rules pursuant to Article I, Section 5 of the U.S. Constitution by majority vote at the beginning of each new Congress; the essence of the problem is whether Rule XXII applies at such a time during a debate on a change in the rules. Those seeking to change Rule XXII contend that the Senate, at the beginning of each new session should be able to amend its rules, and close debate during a debate on amending the rules by a majority vote under generally accepted parliamentary rules of order.

The key to the effort for those working to change Rule XXII is a favorable ruling from the Vice-President, who is the presiding officer of the Senate, that each new session of the Senate may adopt rules changes by majority vote at the beginning of the session and may close debate on a motion for "the previous question" which can be made by any member recognized, also by majority vote.

In 1957, Vice-President Nixon rendered an advisory opinion that the Senate could adopt new rules "under whatever procedures the majority of the Senate approves" and could not be bound by any "existing" Senate Rule "which denies the membership of the Senate the power to exercise its constitutional right to make its own rules".

Vice-President Nixon said that this was a personal opinion, and that the question of constitutionality could only be decided by the Senate itself. The question was referred to the Senate Rules and Administration Committee, but no action was taken that year. The question was also raised unsuccessfully in 1959, 1961 and 1963 by Senate liberals.

During the 1963 session, Senator CLINTON ANDERSON offered a motion which, in effect, called upon Vice-President Lyndon Johnson

to rule that the Senate could change its rules at the beginning of each new session. Vice-President Johnson refused to make such a ruling and instead, submitted the question to the whole Senate, where it was of course subject to unlimited debate all over again thus precipitating a filibuster and ending all hope of rules change that year. For while an appeal from the ruling of the chair is not in effect debateable (because a motion to force can be made by any Senator) a refusal to rule and a submission to the Senate continues the filibuster.

In 1965, at the beginning of the 89th Congress, two separate resolutions to amend Rule XXII were introduced—one of which would have required a majority vote for cloture after a specified period of debate, and the other a three-fifths vote. Both resolutions were referred to the Rules Committee with instructions to report them back to the Senate no later than March 9. At that time, they were reported and placed on the calendar, but no motion has been made to call them up for Senate consideration.

When the 90th Congress convenes in January a renewed effort will be made to amend Rule XXII and speaking as one Senator who has always worked for the change, I urge the Vice-President carefully to study the precedents and the situation so as to be prepared to rule on the question. The Vice-President can end the impasse if he so rules and gives the majority of the Senate a chance to work its will, as the Constitution contemplates. The Vice-President would have to rule that each new Congress has the power to adopt its own rules by majority vote at the beginning of each session to effect this result. An appeal would lie to the Senate which would be taken by any Senator but such an appeal is not debateable and could be decided by a majority vote and if the chair was sustained the issue could then and there be decided.

Rule XXII has, in this session alone, killed efforts to Section 14(b) of the Taft-Hartley Act, postponed indefinitely vitally needed civil rights legislation and ended hope for home rule in the District of Columbia. In each case, a majority of the Senate favored action but was unable to obtain cloture of debate. The historic opportunity to end an extra constitutional power over legislation by a minority of the Senate—a kind of extra constitutional veto—is at hand, it will represent a major development in United States history if the Vice-President can act on it.

HEROISM OF NEW YORK FIREMEN

Mr. JAVITS. Mr. President, I wish to call to the attention of the Senate, and I believe it is worthy of the attention of the Senate, the heroism of 12 New York firemen.

This morning, in New York City, funeral services are being held for 12 firemen who died in the line of duty early Tuesday morning. A five-alarm fire on East 23d Street in Manhattan was the scene of the worst tragedy in the history of the New York City Fire Department. Off-duty firemen and volunteers by the hundreds had rushed to the scene when the involved building collapsed, and a desperate attempt was made to find and free the trapped men. Tragically, these efforts were unsuccessful and today the entire city mourns.

So often, Mr. President, we fail to commemorate the extraordinary heroism of such men who, routinely, risk life and limb to protect the public. A disaster of this scale, however, calls to mind our enormous debt to these brave men.

As their Senator, and as an individual, I express my deepest sympathy to

the families of these firemen—12 widows, one of whom is also the daughter of a fireman killed in the line of duty, and 32 children. I ask unanimous consent that a New York Times article concerning the tragedy, be printed at this point in the RECORD.

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

TWELVE DEAD: THE DEPARTMENT'S WORST FIRE—"ABSOLUTE NIGHTMARE," MAYOR SAYS
(By Robert Alden)

The crushed and charred bodies of 12 firemen were removed yesterday from a burned-out commercial building on 23d Street just east of Broadway after the worst Fire Department disaster in its 101-year history.

The men were killed when the floor of a drugstore collapsed beneath them late Monday night while they were fighting a stubborn five-alarm fire that destroyed three buildings in the Madison Square area.

Parallel investigations were immediately begun in the early morning hours of yesterday to determine the cause of the tragedy and whether criminal negligence was involved.

Over the roar of pumpers still pouring tons of water on the burning building in the first light of dawn. Fire Commissioner Robert O. Lowery, said as he wiped tears from his eyes:

"I don't understand it. These men were under the command of experienced officers who died with them. Either that floor was terribly weak, or the fire had been burning under it treacherously for some time.

"In my 25 years in the department, I've never felt worse."

The tragedy was heightened by the fact that the dead firemen left 12 widows and 32 children.

Mayor Lindsay, who had spent most of the night at the fire, returned to Gracie Mansion for two hours' sleep and then came back to the scene twice during the day. He ordered all flags in the city to half staff in memory of the dead men.

"It's a horror, and absolute nightmare," the Mayor said. "It is a terrible, terrible tragedy."

The Mayor stared at the building under which the men were buried. He wore a light mackinaw raincoat and had just put on big black firemen's red-tipped boots.

Three hundred or more off-duty firemen stood grimly on the street outside the burned out buildings. They had come to offer their help to retrieve the bodies from under the debris and some risked their lives to get the men out.

As each body was carried to the street in the stretcher baskets of the Fire Department, the firemen silently doffed their helmets.

MEN PRAY IN PARK

After the 12th body was removed shortly after 2 P.M., Chief of Department John T. O'Hagen ordered all of the men to Madison Square Park across the street from the Wonder Drug & Cosmetics Store, where the men had perished. He doffed his white helmet and told the men:

"This was the saddest day in the 100-year history of the Fire Department. I know we all died a little."

He asked the men to join him "in a moment of silent prayer for the repose of their souls".

By this time the neighboring Metropolitan Life Insurance Building towering over Madison Square Park on its eastern edge had already lowered its flag to half staff.

Although almost all officials concerned, from the Mayor to Fire Commissioner Lowery to Buildings Commissioner Charles G. Moerdler, were guarded in their comments, it was clear from what they said that something had gone terribly wrong.

Mr. Moerdler made the point that the building in which the men perished, at 6 East 23d Street, was at least 75 years old and "perhaps 100 years old."

Firemen who were familiar with the building pointed out that until recently there was a cafeteria with a tiled floor on the site of the Wonder Drug store and two adjoining stores—Barton's Candy Store and Fan's, a women's dress shop.

"It's an old building and all that renovation may well have weakened the floor dangerously," Commissioner Lowery said.

"We know that there was once a dance hall in one of the buildings also. Those buildings have been altered many times and that may well be what caused the disaster. But we won't know until we investigate, and we don't want to speculate on the matter now."

MAY HAVE BEEN GAS BLAST

Commissioner Lowery said also there were reports from inside the building just before the collapse of the floor that there was the smell of illuminating gas.

"It could have been a gas explosion," he said.

The fire was discovered at about 9:30 P.M. on Monday by Mr. and Mrs. Herbert L. Brown, who, with their four children, were the only residents of any of the three buildings there at the time. The Browns live on the top floor of a four-story brownstone at 7 East 22d Street.

The rear and side walls of this brownstone abut on the three-story white brick commercial building to its west, 940-948 Broadway and the five-story brown-brick building to its north at 6 East 23d Street—the building in which the firemen perished.

On its second and third floors the brownstone has connecting doorways with these adjoining buildings.

The Browns—particularly Mrs. Brown—have long been fearful of fire, and Mrs. Brown had occasionally complained to her husband that she thought she smelled gas or smoke in the building.

Monday night Mrs. Brown told her husband that she "smelled something strange." Her husband went outside to check and found smoke coming from the roof of the three-story building to the west.

Mr. Brown returned to his apartment and quickly he and his wife dressed their children—a 6-year-old, 5-year-old twins and an infant of 21 months. Mrs. Brown called the Fire Department.

GROPE WAY DOWN STAIRS

Before the Browns and their children could leave their apartment, now rapidly filling with smoke, the lights failed, and they groped down the stairway by flashlight and into 22d Street.

There was no chance for Mr. Brown, an artist, to save "1,000 paintings—my life's work," which remained in the apartment.

By this time the first fire companies were responding to the alarm on East 22d Street.

There are lamp and lampshade companies on the lower floors of the brownstone.

The fire officials, after their first investigation, believed and still believe that the fire originated in the basement of the brownstone at 7 East 22d Street where, they said, lamp shade fabrics and plastic were stored.

The first firemen entered the cellar of the brownstone, stretching two lines to fight the blaze.

Although upper floors of the brownstone are connected with the commercial building at 6 West 23d Street, at the cellar level a fire-wall separates the two buildings. Nevertheless, firemen responding to the alarm said it was apparent at once that the fire was spreading through the wall to the building to the north and to the building to the west.

More equipment and men were needed and a second alarm was sounded.

Four fire companies responded—Engine No. 5, Ladder No. 2, Engine No. 17 and Ladder No. 7.

All went to the five-story building fronting on 23d Street to attack the fire from the rear.

TWO COMPANIES ENTER CELLAR

Crews of Engine No. 5 and Ladder No. 2—about a half dozen men each—entered the cellar of Wonder Drug & Cosmetics. Men from Engine No. 18 and Ladder No. 7 went to the main floor of the drugstore.

A ladder company's job in such a situation is to chop holes in the wall to give access to the fire. An engine company brings lines into the building to play water on the fire.

The men started to do their jobs on both the first and cellar floors. But it was soon apparent to the crews of Engine No. 5 and Ladder No. 2 that the cellar was becoming an inferno, filled with fire and smoke.

"Get out, get out," was the general shout and the two companies rushed out of the cellar and onto 23d Street.

On the main floor of the drugstore, however, there was but little smoke and the evidence of fire was confined to hot spots, evidence of burning through, that had just begun to appear on the floor.

Directing the men on this floor were experienced fire officers, Deputy Chief Thomas Reilly of the Third Division and Battalion Chief Walter J. Higgins of the Seventh Battalion, as well as the two lieutenants in charge of the two companies.

The two companies began to hack away at the walls and two hose lines were brought into the ground floor of the drugstore.

Reports are confused, but, apparently the shouts of "Get out, get out," by the men below as they clambered out of the cellar and onto the street were heard by the men on main floor.

All at once, with a thundering crash, a 20 by 5-foot section of floor gave way. There was a burst of flame that rolled along the ceiling of the drugstore and flared out into the street.

TEN PLUNGED TO DEATH

Ten men, who were by this time at the rear of the drugstore attacking the wall that abutted on the brownstone to the south, were pitched to their death in the inferno below. Two others, trapped by the burst of flame caused by the collapse of the floor, were burned to death on the main floor of the drugstore.

One man of Engine Company 18, Manuel Fernandez had been busy connecting the hoses on the street to his pumper. When he heard the explosion and saw the burst of flame, Mr. Fernandez rushed to the door of the store.

"I went over and shouted inside, 'Eighteen! Eighteen!' But there was nobody to answer me."

The only other member of Engine No. 18 who had responded to the alarm who survived the collapse was Fireman John Donovan. He had been checking violations of parking near fire hydrants and when he heard the alarm he drove in his own car to the fire.

Arriving late, he stepped into the store just as the collapse occurred. He was plunged into the fire below, but managed to keep from falling completely by grasping the nozzle of his hose line "by three fingers."

A fireman from another company grabbed him and hauled him to safety.

Those firemen who had responded to the first alarm and who were fighting the fire in the cellar of the brownstone at 7 East 22d Street, were, a fire official said, "knocked about like ten pins" as the air shock of the collapse broke down the firewall separating the buildings.

In all, 17 were injured and 10 taken to Bellevue for treatment. Last night none were reported to be in serious condition.

Because some of the firemen thought that they had smelled illuminating gas before the collapse and because the collapse caused an acceleration of the fire, many of the firemen, including for a time Commissioner Lowery, said through most of yesterday that there might have been an explosion.

But by nightfall, Buildings Commissioner Moerdler said that there "definitely" was no evidence of an explosion and that the collapse of the floor had caused a blast of air and fire that "appeared to be but was not an explosion."

With the collapse of the floor, a third alarm was sounded. Flames now spread through all floors of 6 East 23d Street and 7 West 22d Street and broke into 940 Broadway.

There was no chance to save the men that were lost in the cellar as flames, feeding on dry timbers, broke through the roofs of the buildings and firemen on the scene were ordered back into the street—and only in time.

Floor after floor on all three buildings now began to crash down, until all three buildings were open from cellar to flame-lit sky.

TOWER IS RUSHED TO SCENE

Fourth and fifth alarms were sounded. The best fire equipment the department owns was rushed to the scene, including a new high powered fire tower capable of pouring tons of water on a blaze. In all there were 40 pieces of equipment, 200 men and a disaster unit from Bellevue Hospital, including eight doctors.

Mayor Lindsay arrived shortly before 1 A.M. and was told by Commissioner Lowery, choked with grief, that he thought that 12 of his men were gone. Donning fire gear, Mayor Lindsay entered the burning drugstore and came out shortly saying, "It's terrible in there—the heat and smoke are awful."

Through the night the fire raged, destroying almost everything but the walls of the three buildings.

Several times the firemen advanced and then retreated. By first light, however, the fire was largely confined. But Francis J. Love, assistant chief of department in immediate command of fighting the blaze, would not call the fire under control "until we get all our men out of there."

One by one, and with the greatest difficulty because of the imminent danger of further structural collapses, the charred remains of the men were brought out of the building.

With them came burnt and broken helmets marked "Engine 18," "Ladder 7," "Deputy Chief" and "Battalion Chief." There were torn fire boots, ripped gas masks and burnt fire hose. One tall fireman, his face blackened with soot, cried as he put tags on the equipment of the dead men.

When Lieut. Joseph Priore's body was brought out, someone remarked that this was his first fire as a lieutenant.

"I just attended the party celebrating his promotion in Queens last Thursday," one fireman said.

When all the bodies save one had been brought out, someone whispered to Chief Love, "They all agree it's Rey who is still down there."

"Rey" was Probationary Fireman Daniel L. Rey. It was Fireman Rey's first fire.

With the light the Salvation Army and the Red Cross set up canteens to provide cake and coffee for the weary firemen and the hundreds of off-duty firemen who came to the scene. It is a department tradition that when men are trapped in a building volunteers come to the scene to offer their help.

But there was no help for the trapped men.

And at 11:45 A.M., the department's most dreaded signal "four fives"—the fire alarm signal sounding four times with five rings in each group—was sounded in the city's 300 firehouses. The signal was repeated three times. It means that flags in the firehouses

are to be lowered to half staff because of the death of a fireman.

When "four fives" are sounded firemen immediately gather about the radios in their firehouses to get the official word of fresh tragedy. It soon came:

"The following members died of injuries sustained at a fifth-alarm fire at Box 598 on Oct. 17 at 9:36 P.M.:

"Deputy Chief Thomas Reilly, Third Division.

"Battalion Chief Walter J. Higgins, Seventh Battalion.

"Lieut. Joseph Priore, Engine 18.

"Lieut. John J. Finley, Ladder 7.

"Fireman John G. Berry, Ladder 7.

"Fireman Carl Lee, Ladder 7.

"Fireman William McCarron, aide to the Deputy Chief Third Division.

"Probationary Fireman Daniel L. Rey, Engine 18.

"Fireman Joseph Kelly, Engine 18.

"Fireman James Galanaugh, Engine 18.

"Fireman Bernard A. Tepper, Engine 18.

"Fireman Rudolph Kaminsky, Ladder 7."

THE DRIVE AGAINST ALCOHOLISM

Mr. JAVITS. Mr. President, Secretary of Health, Education, and Welfare John Gardner announced yesterday a major Federal departmental program of research, education, and professional training to combat alcoholism, the fourth major health menace affecting our country. We have recently passed a bill dealing with narcotic addicts, and we should have a similar alcoholism bill.

This announcement comes almost 8 months after the President first proposed the program in his health message, but better late than never. However, it raises this question—how far can the announced departmental program go toward achieving its objectives without authorizing legislation and without being effectively funded?

On January 25, 1966, together with five of my minority colleagues, I introduced the Alcoholism Control Act to establish a research and Federal grand-in-aid program for the treatment, rehabilitation, education, and prevention of alcoholism. Similar legislation was later introduced by colleagues of the majority.

It is my intention, in cooperation with the North American Association of Alcoholism Programs, and other interested groups, to prepare for introduction next year on a bipartisan basis the comprehensive legislation which is needed to deal fully and adequately with what the Public Health Service has described as the Nation's fourth greatest health menace, alcoholism.

Also, since the President first set forth his antialcoholism program last winter, a series of court decisions have established policies which presage a new era in dealing with the Nation's 5 to 6 million alcoholics as being ill rather than as law offenders. Just as the Congress in the narcotics addiction treatment bill passed this week has recognized that the emphasis for the narcotic addict—as distinguished from the dealer or pusher—must be on civil commitment and rehabilitation rather than mere punishment, so, it is becoming clear, we must act the same way with respect to treating the chronic alcoholic.

Despite the heavy incidence of alcoholism and its human and economic

costs, up until this time the Federal establishment has had relatively few programs dealing with this problem. We expend some \$380 annually to treat each tuberculosis patient, but only 16 cents is spent on the average each year for treatment and rehabilitation of alcoholics. Effective action is sorely needed with the present departmental start and should come early in 1967.

Finally, in the light of certain assertions, recent departmental announcement, I should like to call attention to the fact that President Eisenhower was the first President to proclaim Alcoholism Information Week. Secretary of Health, Education, and Welfare Arthur Fleming was the first postwar Cabinet officer to demonstrate significant interest in the problems of alcoholism. It was he who cautioned the Nation that "alcoholism is the fourth most serious health problem" facing us. And, in 1964, the Republican platform specifically asked for increased financial support for combating alcoholism.

THE SYRIA-ISRAEL CRISIS

Mr. JAVITS. Mr. President, the United Nations Security Council is presently engaged in vital discussions affecting world peace. If the dispute between Syria and Israel brought before it at the beginning of the current session is not settled, the world faces the very real danger of general conflict in the Middle East which could easily expand into a wider war involving the major powers.

Several African states have suggested stronger enforcement of the 1949 Palestine armistice agreements. The fact that the United Nations Emergency Force has served so successfully in preserving the peace in the Gaza and Sinai areas between Egypt and Israel argues for the establishment of a well-manned truce force in the area of the alleged Syrian incursions.

However, Mr. President, if the world is not to be brought to the brink of disaster periodically by crises in the Middle East, we must see a major international effort to achieve peace in that area and remove a possible source of conflict between the United States and the U.S.S.R. The President, who is now using the prestige and power of his office to seek a peaceful solution to warfare in southeast Asia, in an unprecedented and historic trip to the Far East, should also direct our Nation's talents and resources toward achieving a Middle East peace—before it is too late.

I strongly recommend the following:

First. An understanding should be reached with the Soviet Union on the deescalation of the arms races in the Middle East. I use the plural term because there is not only an arms race between Israel and the Arab States but also between groups of Arab States themselves. To this end, I urge that the administration invite the Soviet Union to a conference for the purpose of curbing shipments of arms and materials of war to the Middle East.

Second. We must do all we can to promote an understanding between the Arab States and Israel. This is possible of achievement, as has been indicated

in part by the overtures for rapprochement which have come from Tunisia. To this end, I suggest that we explore all diplomatic channels open to us to see if any kind of a conference grouping can be convened in the Middle East of nations with vital interests in this region in the quest for peace and to make practical plans for the region's development.

The United States has a well-established history of active concern in promoting stability in the Middle East. In May 1950, this Nation joined France and the United Kingdom in issuing the tripartite declaration declaring their "unalterable opposition to the use of force or threat of force" and pledging action to preserve the frontiers and armistice lines of all the Middle East nations. In August 1955, on behalf of President Eisenhower, Secretary of State Dulles declared U.S. willingness to "join in formal treaty engagements to prevent or thwart either side to alter by force the boundaries between Israel and its Arab neighbors" and invited other nations to join in such guarantees.

In 1957, there was added the Eisenhower doctrine which was accepted by the Congress with the addition of an important amendment, the so-called Mansfield amendment, which stipulated that "the preservation of the independence and territorial integrity of the nations of the Middle East is vital to the interests of the United States."

In 1958, these declarations were put to the test. Following the leftist revolution in Iraq in the summer of that year, the United States sent American troops into Lebanon to preserve the independence of that small nation. Also that year agreements were signed with Iran, Pakistan and Turkey to aid them "in case of aggression."

In August 1960 John F. Kennedy stated that the United States should make it clear that "we will act promptly and decisively against any nation in the Middle East which attacks its neighbor."

We have sent more than \$4.5 billion worth of economic and military aid to the nations of the Middle East to those states which are now pro-free-world and those which are pro-Soviet, to both Israel and the Arab States, and both to those which have been accused of aggression and those which have been the victims of aggression.

The United Nations Security Council is now engaged in seeking a means to allay the war fever in the Middle East. But, Mr. President, let us also strive to remove the source of the infection for, as the scarlet pages of history indicate, war fever is among mankind's most infectious—and dangerous—afflictions. We fail at our peril.

INTERNATIONAL EXECUTIVE SERVICE CORPS

Mr. JAVITS. Mr. President, I invite the attention of the Senate to the fact that the public interest is heavily involved in the activities of many business leaders nowadays. I spoke on this subject yesterday. However, I wish now to add the names of 24 outstanding

U.S. business executives who under the auspices of Time magazine are visiting Hungary, Rumania, Czechoslovakia, Poland, and Yugoslavia to open the way to a dialog between the economic leaders of those countries and the economic leaders of this country, in the hope of bringing about better relations and perhaps beginning to implement the broad view taken by the President in his recent speech, which sought to open new channels for a detente in Eastern Europe through economic means and the channels of trade.

I ask unanimous consent to have an article published in the New York Times today, containing the names of these top executives, entitled "Twenty-Four U.S. Executives Visting Red Bloc," placed in the RECORD.

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

TWENTY-FOUR U.S. EXECUTIVES VISITING RED BLOC—SEEK TO STIMULATE TRADE IN FIVE-COUNTRY TOUR

Executives of 24 American corporations departed yesterday on a tour of five East European nations to open the door to potential trade.

The tour, organized by Time magazine, will take the group to Hungary, Rumania, Czechoslovakia, Poland and Yugoslavia. The participants will pay their own way beyond the cost of flying.

The importance of the trip was enhanced recently by the Johnson Administration's decision to liberalize trade with Eastern Europe. Administration officials will receive a report on the prospects of expanding financial and trade relations when the delegation flies from Belgrade to Washington on Nov. 1.

The following Time executives are accompanying the delegation: Bernard M. Auer, the publisher; James A. Linen, president; Andrew Heiskell, chairman of the board; Henry R. Luce, editorial chairman; Hedley W. Donovan, editor in chief; Lawrence E. Laybourne, assistant publisher; Otto Fuerbringer, managing editor; Champ Clark, senior editor, and Robert C. Gordon, advertising director.

Members of the delegation have made it clear that their intention is not to propose any modification of United States policy but to see and be seen, to listen and talk. It is expected that they will be received by the heads of state and other officials.

John L. Loeb, senior partner of Carl M. Loeb, Rhoades & Co., who is in the delegation, said:

"I am confident that the trip could definitely further the Administration's recently stated policy of increasing trade with Eastern Europe."

The delegation, he said, plans to explore possibilities of expanding financial and commercial relations and to develop better understanding of American industry.

NAMES OF DELEGATES

Among the business leaders in the delegation in addition to Mr. Loeb, are John L. Atwood, president, North American Aviation, Inc.; Eugene N. Beesley, president, Eli Lilly & Co.; James H. Binger, chairman, Honeywell Inc.; William Blackie, chairman, the Caterpillar Tractor Company; Edgar M. Bronfman, president, Joseph E. Seagram & Sons, Inc.; Joseph F. Cullman 3d, president, Philip Morris Inc., and Russell Deyoung, chairman, the Goodyear Tire & Rubber Company.

Also, A. P. Fontaine, chairman, the Bendix Corporation; Henry Ford 2d, chairman of the board of the Ford Motor Company; Keith Funston, president of the New York Stock Exchange; Gordon Grand, president, Olin Mathieson Chemical Corporation, John D.

Harper, president of the Aluminum Company of America; Robert S. Ingersoll, chairman, the Borg-Warner Corporation; George A. Murphy, chairman, Irving Trust Company; Robert S. Oelman, chairman, National Cash Register Company; Frank Pace Jr., president, International Executive Service Corporation, and S. Warner Pach, president Gillette Safety Razor Company.

Also Henry R. Roberts, president, Connecticut General Life Insurance Company; Willard F. Rockwell Jr., president, Rockwell Standard Corporation; C. William Verity Jr., president, Aramco Steel Corporation; Leslie H. Warner, president, General Telephone and Electronics Corporation; Rawleigh Warner Jr., president, Mobil Oil Corporation, and Kendrick R. Wilson Jr., chairman, Avco Corporation.

In addition to the business leaders, and Time magazine executives, the delegation includes Dr. Alexander Heard, chancellor of Vanderbilt University, and Whitney Moore Young Jr., executive director of the National Urban League.

The group is travelling on a jet chartered by Time.

Mr. Auer recalled that the magazine had sponsored two similar trips in the past—one to the Soviet Union in 1963 and another to Southeast Asia in 1965.

Mr. Auer said all the participants shared the expenses beyond the cost of the aircraft. He said that the magazine hoped the journey would offer "information and insight into countries that were once part of a monolithic bloc but now appear to be moving toward considerable autonomy."

SOUTH-WEST AFRICA

Mr. RUSSELL of Georgia. Mr. President, I noted with unusual interest an article which was published in the Washington Evening Star on Tuesday, October 18, written by James J. Kilpatrick, entitled "Goldberg Alines United States in Assault on South Africa." This article deals with the position of the United Nations on the South-West African problem. This problem arises from the fact that under a mandate from the old League of Nations, South-West Africa was entrusted to the charge of South Africa.

I do not pose as any expert on this subject, but I do know that it was presented to the World Court and that that body handed down a decision sustaining the position of South Africa.

I am somewhat surprised to find that the United States has now joined in a movement to overthrow that decision by the mere force of numbers in the United Nations. Here, of late, our great liberals have gone to great pains to tell us that we should respect the decisions of any duly formulated court of competent jurisdiction.

In the case mentioned in this article, the jurisdiction was recognized by the plaintiffs when they brought the case. While the world may have been astonished by the decision, at least it was a decision by a court to which the United States subscribes. But now that the court has rendered a decision of which our State Department disapproves we join in or take the lead in efforts to degrade or nullify the decision.

Mr. President, I am not particularly concerned about what happens in South-West Africa, but I am concerned about the implications of the action of the United Nations in undertaking to take

this vast territory under United Nations control as it affects this country, the United States.

We have had considerable experience with the United Nations, and when it comes down to the last analysis, it usually means that the United States is the country which is expected to carry out the recommendations voted by the so-called newly emerging states who now dominate the United Nations. Whatever it costs in blood and treasure is expected to be borne by us.

Back in 1954, I thought I saw a cloud over Asia no larger than the size of a man's hand. I strongly opposed our involvement in any military moves on the Asian mainland. Those in higher authority saw it differently, but we now have almost 400,000 Americans in combat in that area and they are being killed at the rate of more than 100 a week.

Mr. President, I hope that this action planned in the United Nations will not place upon the United States the responsibility for sending our military forces into Africa to enforce the vote which I understand will be had in the United Nations. However, the gullibility of those directing our foreign affairs causes me to fear the worst.

The United Nations has perhaps in some respects served a useful purpose, but if it continues to place upon the United States the principal responsibility for financial support of the United Nations, as well as the responsibility for enforcing with military might the decisions of the United Nations, I am of the opinion that the people of this country will reevaluate their views as to the United Nations and the relations of our Government thereto.

Mr. President, I rise to express the hope that the United States has not embarked upon a course which will bring about another Vietnam in Africa, with the United States undertaking practically alone to enforce the political views of a majority of the members of the United Nations.

I ask unanimous consent, Mr. President, to have the article to which I have referred printed in the RECORD.

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

[From the Washington (D.C.) Evening Star, Oct. 18, 1966]

GOLDBERG ALIGNS U.S. IN ASSAULT ON SOUTH AFRICA

(By James J. Kilpatrick)

UNITED NATIONS, N.Y.—On Wednesday of last week, U.S. Ambassador Arthur Goldberg formally joined the Afro-Asian lynch mob in its assault upon South Africa. He aligned the United States with the 54 member nations of the United Nations who are demanding that South Africa's mandated territory of South West Africa be placed under U.N. control.

The more one listens to the fantasies that abound in this carpeted cave of the winds, and the more one delves into the typical case history of South West Africa, the more one despairs of discovering any useful purpose in the United Nations as a whole. In times past, it has been said of the United Nations that at least it offers a forum in which the nations of the world may speak to one another. But the necessary premise of this argument is that when nations speak formally to one another, they will speak in

reasoned speech, based in realities, directed to the intellect and not to the viscera.

In the debates over South West Africa, as in the debates over Rhodesia, this premise disappears. Reason vanishes through the great windows and flies off with the gulls outside. Reality dissolves in the vapors of illusion.

A gross of international lawyers, working at the task all night, could not translate the legalisms of the South West Africa case into anything intelligible for popular consumption. On this score, it will suffice to say that simply as a matter of law, South Africa's position has been sustained by the highest tribunal in which the question could be argued.

But it is as true of the court of public opinion, as it is true of the courts generally, that cases should be weighed not upon the law alone but upon the evidence also. The charges that were brought in the World Court by Ethiopia and Liberia, plaintiffs, against South Africa, defendant, were profoundly serious charges. What evidence did the plaintiffs produce to support them? The answer, incredibly, is not one iota.

These were among the grave allegations of the complainants—that South Africa was practicing genocide upon the indigenous population; that the natives were being herded into concentration camps; that they were subjected to naked terror; that they were treated like animals. It was formally charged that South Africa has violated its trust by refusing to provide education, by denying any vestige of self-government to the people, by keeping them in perpetual servitude. Still another charge was that South Africa had established military bases, including nuclear and missile centers, in South West Africa, and that these constituted a threat to the peace of the continent.

What happened when the case came on for hearing? The plaintiffs were not able to offer one single witness in support of the charges they themselves had filed. Counsel for South Africa made a sporting proposition to the Court. Would the judges themselves come to South West Africa for an on-the-scene inspection?

The complaining nations reacted with sheer consternation. In open court, they accepted as truth all the averments of fact in South Africa's defensive pleadings. Ultimately even one of the dissenting judges was to agree that the allegations having to do with military bases were "completely without foundation."

On the afternoon of Sept. 26, South Africa's David P. De Villiers reviewed this case history in a brilliant address.

He spoke to an almost empty chamber. The Afro-Asian delegations rudely stalked out. As soon as de Villiers had concluded, they returned. And at 6:20 p.m., after the gentleman from Ethiopia, Mr. Wodajo, had charged South Africa with insulting the intelligence of the body, the General Assembly adjourned.

The vote to strip South Africa of her mandated territory doubtless will be taken soon. Goldberg, for the United States, will vote "aye."

SENATOR DONALD RUSSELL

Mr. INOUE. Mr. President, few men could point to a longer, broader, or a more varied career in public service than that of DONALD RUSSELL.

From positions in the War Department and with the Director of Economic Stabilization during the depression, he entered the military service in World War II. Then, following a period as Deputy Director of the Office of War Mobilization and Reconversion, and a term as Assistant Secretary of State, he moved into academic circles as presi-

dent of the University of South Carolina. From there his path has taken him to the Governor's chair in his State and from thence to the Senate of the United States.

The breadth and depth of insight he has brought with him to Senate considerations is seldom paralleled. We wish him well and take delight in knowing that he now assumes the obligations of a judgeship, and thus will add another dimension to an already well-rounded career in the public service.

We wish him well in his undertaking.

WATERSHED PROJECTS APPROVED BY COMMITTEE ON PUBLIC WORKS

Mr. MANSFIELD. Mr. President, on behalf of Mr. RANDOLPH, I submit for inclusion in the CONGRESSIONAL RECORD, information on watershed projects approved by the Committee on Public Works on October 18, 1966, as follows:

Projects approved under the Watershed Protection and Flood Prevention Act, Public Law 566, 83d Cong., as amended

Project	Estimated cost
Big Cedar Creek, Ga.....	\$1,946,453
Little River, Ga.....	928,378
Coal and Crane Creek, Ill.....	719,385
West Boggs Creek, Ind.....	629,193
Upper Wakarusa, Kans.....	2,814,900
Conewango Creek (supplement), New York.....	4,690,674
Brandywine Creek (supplement), Pennsylvania and Delaware....	2,080,978
Rush Creek, Tex.....	1,961,153
Wheeling Creek, W. Va. and Pa....	4,979,000
Total	21,020,114

LEGISLATIVE ACHIEVEMENTS OF SENATOR SIMPSON

Mr. FANNIN. Mr. President, although I joined other Members of the Senate earlier this week in praising the distinguished Senator from Wyoming [Mr. SIMPSON] for his outstanding years of Senate service, I ask unanimous consent to have printed in the RECORD additional material spelling out the specific legislative achievements of Senator SIMPSON.

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

LEGISLATIVE RECORD OF SENATOR MILWARD L. SIMPSON, OF WYOMING—89TH CONGRESS

Senator SIMPSON, along with his colleague, the senior Senator from Wyoming, has been responsible for a number of bills in the 89th Congress which are of immediate and direct interest and importance to their State of Wyoming.

In the light of the numerous tributes paid to Senator SIMPSON yesterday on the floor of the Senate, it is most appropriate that a record be made of those bills sponsored by Senator SIMPSON which have passed the Senate during this Congress. This is no little achievement and is but a further testament to the dedication he has shown to his great State.

S. 84. Sweetwater County Lands (Farson Pilot Farm): To provide for reimbursement to the State of Wyoming for improvements made on certain lands in Sweetwater County, Wyoming, if and when such lands revert to the United States, passed Senate October 10, 1966.

S. 433. Lander Land: To authorize the Secretary of Agriculture to sell certain land in Lander, Wyo. and for other purposes, reported by Senate Agriculture Committee, October 18, 1966.

S. 491. Big Horn Canyon Recreation Area: To provide for the establishment of the Big Horn Canyon National Recreation Area, and for other purposes, passed Senate, February 10, 1965, Public Law 89-664.

S. 553. Niobrara River Compact: To consent to the Upper Niobrara River Compact between the State of Wyoming and Nebraska, passed Senate, August 9, 1966.

S. 554. Cheyenne Land: Authorizing the Administrator of Veterans Affairs to convey certain property to the City of Cheyenne, Wyoming, H.R. 4421 passed Senate, October 22, 1965. Public Law 89-345.

S. 602. Small Reclamation Projects Act, 1956: To amend the Small Reclamation Projects Act of 1956, passed Senate, July 1, 1965, passed House, September 7, 1965. Public Law 89-553.

S. 625. Agricultural Trespass: To authorize the sale of isolated or disconnected tracts of land, passed Senate July 28, 1965.

S.J. Res. 33. Wind River Indian Irrigation Project: To cancel any unpaid reimbursable construction costs of the Wind River Indian irrigation project, Wyoming, chargeable against certain non-Indian lands, S.J. Res. 9 (McGEE), passed Senate, November 21, 1965, passed House February 16, 1966. Public Law 89-364.

S. 1880. Mule Creek Oil Company, House bill (HR 8699): For the relief of . . . , passed Senate, September 22, 1966. Private Law 89-341.

S. 2595. Wind River Indian Reservation: To place in trust status certain lands on the Wind River Indian Reservation in Wyoming, passed Senate, June 1, 1966.

Amendment No. 390 to H.R. 8283, adopted by Senate August 17, 1965: Set out the important precedent which disallowed participation by Job Corps employees in any area competitive with existing private enterprise employment.

Amendments to S. 1446. Wild Rivers System: Three major amendments to S. 1446 were proposed by Senator SIMPSON and adopted by Senate Interior Committee. These amendments insured greater protection of a state's water rights in the event of creation of a Wild Rivers System.

Mr. FANNIN. Mr. President, in addition, I wish to bring to the Senate's attention a glowing tribute paid to Senator SIMPSON by his home State. This tribute was in the form of an editorial broadcast by KTWO-TV in Casper. I ask unanimous consent that the editorial be printed at this point in the Record.

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

[A KTWO, radio-television editorial, Oct. 12, 1966]

Perhaps but once in a generation does a person emerge who can be called a "Wyoming Man" a person whose life is thoroughly dedicated to his native State and its people. K-2 believes that MILWARD SIMPSON's forty years of distinguished public life qualifies him for that title.

His career has been marked by many instances where he has put aside personal considerations in order to promote the best interests of our State. A recent example of this unselfish attitude was his voluntary decision to step down from his seat in the United States Senate. SIMPSON feared that an arthritic condition might hamper him in rendering the service to Wyoming to which he felt it is entitled. It is quite certain that Senator SIMPSON could have been reelected easily this year since his personal popularity is at the highest level.

In the early years of the Eisenhower Administration, the then Governor SIMPSON was offered a Presidential Cabinet appointment as Secretary of the Interior. Few of us would have resisted this once-in-a-lifetime opportunity, but MILWARD SIMPSON remembered his pledge to serve a full four-year term as Governor and declined the honor.

Never known as a person to avoid an issue, SIMPSON's frankness occasionally has caused him some political discomfort, especially in his four years as Governor. But his term in that office produced some of the most sweeping administrative improvements that the Wyoming Executive Department ever has undergone.

When 1967 rolls around and the pressures of office are transferred to Senator SIMPSON's successor, MILWARD's thoughts likely will turn to the trout streams of his Bobcat Ranch. K-2 hopes that Senator SIMPSON will continue to allow the people of Wyoming to share his thoughts and solicit his guidance on the problems of developing our State.

Those of us who have had the privilege to know this man who made the phrase "Wonderful Wyoming" completely believable realize we have been exposed to an individual who is truly a "Wyoming Man."

SENATOR LEVERETT SALTONSTALL

Mr. INOUE. Mr. President, the Senate will miss the happy combination of great ability and courage, tempered by restraint and kindness, embodied in the character of LEVERETT SALTONSTALL.

His long period of public service both prior to his entry into the Senate in 1944, and subsequently, are eloquent testimony of the love and esteem in which this man is held. It has been my particular privilege to work with and know him well through our close associations in the Armed Services Committee. As you realize, there can be no room for partisanship in the decisions that group is obliged to make. As a senior member of the minority party, he has been a major factor in keeping the committee truly nonpartisan.

Massachusetts has produced many distinguished citizens who have served this Nation well throughout its history. Unquestionably, the name of LEVERETT SALTONSTALL belongs to this honored group. It is a delight to have known him. I wish him the very best.

GREECE AND VIETNAM

Mr. DODD. Mr. President, there are some who say that we cannot possibly win in Vietnam because we lack the experience to prosecute an antiguerrilla war successfully.

These critics forget that the tactic of guerrilla warfare is not a new one, and it is certainly not a new approach by world communism.

The Communists attempted to take over the Philippines by the use of this tactic, and failed. They attempted to overthrow the government of Malaya with this tactic, and were defeated. They also sought to communize Greece through the use of guerrillas, and here, too, they were not permitted to succeed.

We often overlook the similarities between Greece and Vietnam, and New York Times Columnist C. L. Sulzberger has performed a valuable service in bringing this similarity to our attention.

Mr. Sulzberger quotes the following passage from "Revolution and Defeat," by Prof. D. George Kousoulas, of Howard University:

To broaden its popular basis, a Communist guerrilla force will in most cases conceal its true identity behind a smoke-screen of attractive demands for national integrity and social justice . . . after a protracted and inconclusive anti-guerrilla war, Communists and sympathizers seek admission to a coalition government as a compromise solution.

Mr. Sulzberger notes that it is "naive Americans who now propose such a solution" for Vietnam. He states that the military tide is now turning in Vietnam, and that in the recent election the Vietcong repeated the mistake of the Greek Communists in ordering abstentions.

Although he admits that there are many dissimilarities between the two situations, Mr. Sulzberger writes that:

We should nevertheless . . . not lose sight of the basic parallels between those two examples of "revolutionary warfare" and what was done to counter it.

I wish to share the important insights of this column with Senators and ask unanimous consent that it be printed at this point in the Record.

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

FOREIGN AFFAIRS: A GREEK LESSON FOR VIETNAM (By C. L. Sulzberger)

ATHENS.—Greece is the best European vantage point from which to view the Vietnam war because Greece experienced a similar tragedy less than a generation ago. Indeed, there are many resemblances between the two conflicts, their strategies, mistakes and misconceptions. The degree of American involvement in Greece was far less than in Vietnam yet it was categorical and would have mounted had the Communist insurrection not dissolved.

When the United States began actively supporting Athens under the Truman Doctrine the Communists' so-called "democratic army" held 80 per cent of Greece. A poorly informed United States public opinion largely sympathized with the insurgents and denounced the Athens Government as "monarcho-fascist."

SOURCES OF SUPPLIES

The "democratic army," holding more of Greece than the Communists ever gained in South Vietnam, was supplied from neighboring Bulgaria, Yugoslavia and Albania as the Vietcong are now supplied from North Vietnam, Laos and Cambodia. It received additional materiel (stolen from Government stores), intelligence and recruits through an underground organization on Government territory, later infiltrated and crippled.

Lenin maintained: "No moral condemnation of civil war can be allowed from the standpoint of Marxism." The Greek rebels were ordered to abstain from national elections, a move they later regretted as an error. From 1947 on practically all their recruitment was forcible, as is now true for the Vietcong. Retreating Greek guerrillas, like their Vietnamese successors, posed as civilian villagers. They brutally punished anyone friendly to Athens.

In "Revolution and Defeat," Prof. D. George Kousoulas of Howard University points out: "To broaden its popular basis, a Communist guerrilla force will in most cases conceal its true identity behind a smokescreen of attractive demands for national integrity and social justice." He notes that "after a protracted and inconclusive anti-guerrilla war,

Communists and sympathizers [seek admission] to a coalition government as a compromise solution." Naive Americans propose such a solution for South Vietnam.

CAMOUFLAGE TECHNIQUES

Communist insurgents endeavor to camouflage themselves. Thus a Greek leader ordered: "Whenever party members speak they should not say that they express the opinion of the party, but they should present the party directives as their own personal views." The Communist nations, knowing these truths, never recognized Greece's National Liberation Front "government"—nor that in South Vietnam.

While shamming a truculent game that fooled Washington, Stalin in fact gave the Greek rebels only limited support. He cautioned their more enthusiastic backers against embroilment with the powerful U.S.A. Meanwhile, encouraged by heavy American arms shipments and an extensive military mission under General Van Fleet, the Greek Army started to win. At this point Athens realized it could never triumph without a comprehensive pacification program.

FINANCED FROM ABROAD

Kousoulas writes: "Under the new system all those eligible for military service were inducted without exception. Those of questionable loyalty were placed in unimportant posts. The most dangerous of them were held in a concentration camp on the island of Makronisos off the coast of Attica, where they received intensive indoctrination. Some of the most celebrated anti-Communist military battalions came out of this camp.

Greece's civil war, of course, did not take place in a partitioned former colony. The rebels were, however, generally trained, financed, armed and led from abroad. They paid lip service to a "temporary democratic Government" at a hideout near the border as do the Vietcong.

Before being defeated, the Greek insurrection had to be stifled on five fronts: military, political, security, diplomatic and propaganda. Now, in Vietnam, the military tide is turning. Politically an election has been held and the Vietcong repeated the Greek mistake of ordering abstentions. The security issue is being faced with a pacification program still less coherent than Greece's.

Diplomatically we hope to reduce the open flank through which Vietcong aid pours across Laos and Cambodia as it once poured to Greek rebels across Bulgaria, Yugoslavia and Albania. For his own reasons Tito broke with Russia and choked off the supply line. With no such Asian possibility in sight, we gingerly seek to persuade Cambodia to close its borders to the Vietcong. On the fifth front, propaganda, peace talk helps in Europe while battlefield prowess helps in Asia where nations preach morality and respect force.

DISSIMILARITIES AND PARALLELS

There are, of course, many striking dissimilarities between yesterday's Greek and today's Vietnamese conflicts, and the contemporary world is far more dangerously explosive even than that of the 1940's. Nevertheless, we should not lose sight of the basic parallels between these two examples of the new doctrine of "revolutionary warfare" and what was done to counter it.

SYSTEMS ANALYSIS

Mr. NELSON. Mr. President, the systems approach to problem-solving has attracted considerable attention in the past several years. Born out of the defense and space efforts, this approach is now finding application in the civilian sector. The rising problems of transportation, environmental pollution, crime and regional and urban development lend

themselves to the ever-improving tools and techniques of systems analysis, automatic data processing, systems engineering and operations research.

A firm endorsement of the systems approach occurred when the President announced last year that the planning-programming budgeting system, introduced and developed in the Department of Defense, would be extended to the majority of the civilian agencies. This process, which systematically relates planning and budgeting considerations to the decisionmaking process, relies heavily on systems analysis and its associated cost-benefit techniques.

In addition, a pilot program conceived by Governor Brown in California several years ago has demonstrated compellingly that the concept of systems analysis can in fact be applied creatively to social problems.

The shortage of skilled manpower and the unrealized potential of the systems approach at State and local levels convinces me that congressional action is needed soon.

In October 1965 Senator CLARK and I introduced the Scientific Manpower Utilization Act, S. 2662, which is designed to foster the application of systems analysis at the regional, State and local levels as well as to provide for an adequate base of trained manpower. The Special Subcommittee on Scientific Manpower Utilization, of which I am chairman, has held two sets of hearings on this bill and plans another set for later this year.

I welcome the support which this proposal has received from Republicans and I am hopeful that all those representatives who are interested in this program will present their views at future hearings.

A summary of recent activity in the systems analysis field is presented in an article in *Science* magazine by Luther Carter, entitled "Systems Approach: Political Interest Rises." I ask unanimous consent that the article be inserted in the RECORD at this point.

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

SYSTEMS APPROACH: POLITICAL INTEREST RISES

(By Luther J. Carter)

The idea of applying the "systems approach" to the solution of domestic problems such as environmental pollution, traffic congestion, and crime control is, of course, familiar to the technically literate and to a growing number of public officials. Now some Republican congressmen and senators are giving notice that they will try to drum the systems concept into the heads of ordinary citizens and voters.

On 25 August, 44 Republican congressmen and ten Republican senators introduced legislation to establish a National Commission on Public Management as the first step toward implementing what the congressmen called a "revolutionary new concept." The congressmen said that their proposal envisaged having problems such as water pollution and urban blight farmed out by government to private industry, which would use the "modern 'systems management' approach and technology to develop and administer a comprehensive solution."

Senator GAYLORD NELSON of Wisconsin, a Democrat, immediately derided the Repub-

licans, indicating that they weren't the avant-garde politicians they pretended to be. "The support of these Republicans should be extremely helpful in enacting the legislation which I introduced last October," NELSON said. The Nelson bill—dubbed the "Scientific Manpower Utilization Act"—would authorize the Secretary of Labor to spend \$125 million in helping states and universities (or other public or private institutions) to apply systems analysis and systems engineering to urgent problems.

NELSON noted that in 1964 Governor Edmund G. Brown of California—a fellow Democrat—had aerospace firms submit bid proposals for conducting studies in the fields of waste disposal, transportation, crime control, and information services. The California studies, he said, had "demonstrated compellingly that the concept of systems analysis could in fact be applied creatively to social problems."

The Republican congressmen and senators sponsoring the systems management bill are, ideologically speaking, a heterogeneous lot. Representative F. BRADFORD MORSE of Massachusetts, a prime mover behind the legislation, belongs among the moderate-to-liberal Republicans. But the sponsors include a number who are distinctly conservative, among them Senator JOHN G. TOWER of Texas. According to MORSE, advocacy of an industry-managed systems approach to solving social problems is likely to become a major Republican theme. MORSE says that, while the Republican minority leader, Representative GERALD R. FORD of Michigan, is not among the 44 sponsors of the legislation, he is interested in it.

With Democrats in control of Congress and the Administration, Republican legislative proposals seldom follow a charmed course, however. The principal effect of the Republicans' systems management proposal may be to encourage the administration to come forward next year with a proposal of its own, perhaps by adopting the Nelson bill or some variation of it. In fact, even prior to the Republican initiative, some administration planners were considering the possibility of such a step. "This has not been high on our agenda, but it's an idea which has been percolating," one official said.

The administration is still in the painful process of having all government departments and agencies adopt the integrated system of analysis, program planning, and budgeting which Secretary of Defense Robert S. McNamara and his former comptroller, Charles J. Hitch, instituted at the Pentagon in 1961. One qualified observer within the administration reports that adoption of the new methods is well under way but that several years must pass before they become part of the bureaucratic way of life.

This view is supported by a high official who says that the secretary of his department has been chary about accepting systems analysis and mathematical model studies as basic tools in making assessments and decisions in some vital areas of national policy. Moreover, the official says it has taken him 18 months just to persuade one of his own principal subordinates to undertake a systems study of his agency's procedures. The Northeast Corridor transport studies (*Science*, 4 March 1966) illustrate strikingly how the government can use systems analysis as an integral part of its process of program development, however.

In view of the very gradual—in some cases grudging—acceptance of systems analysis techniques within the federal government, it is not surprising that the states and localities should need help and encouragement in using these techniques. Inquiries received by the Bureau of the Budget about the new planning, programming, and budgeting (PPB) system indicate that interest in this approach to management and decision-making is becoming widespread.

The PPB methodology involves a comprehensive and precise statement of government objectives, together with cost-benefit studies of various alternatives for attaining those objectives. Mastering this methodology can be a first step toward effective use of systems analysis studies of major social problems.

The Bureau of the Budget is helping to organize a 12-month pilot project for the development of PPB systems by five states, five counties, and five cities in several program areas, such as health and public housing, which receive substantial federal support. The operational phase of the project has not yet begun, and the states and localities which will participate have not yet been identified. New York City has moved on its own initiative to adopt the PPB system, to make greater use of computers (in police work, for example), and to undertake systems studies leading to a reorganization of the city government.

If effective use of the new approach to government decision-making and problem-solving is to be widespread, a much larger federal effort to assist the states and localities in that regard apparently will be necessary. Systems analysis of major problems is not cheap, and, furthermore, it demands special training of those who sponsor the studies as well as of those who conduct them. When California began its four initial systems studies, for which it paid \$100,000 apiece, the state found that it lacked the competence to monitor them. It hired System Development Corporation to oversee the methodological aspects of the studies conducted by the four aerospace companies—Aerojet General, Space-General, Lockheed, and North American Aviation.

After several days of hearings on his bill, held in Los Angeles and Washington, Senator NELSON has concluded that the measure should be revised to provide for more than just funds for the financing of systems studies. He would provide also for at least enough training of state and local officials in systems analysis techniques to enable them to monitor studies done on contract. Not only is some technical expertise required of those who monitor studies, but some grasp of systems analysis methods by government policy makers is necessary if the study results are to be used and appreciated.

BROWN ENTHUSIASTIC

Governor Brown of California has enthusiastically endorsed the Nelson bill. Although some people are disappointed that the first California studies have not yet led to dramatic action programs, the state has shown enough interest in the results to follow them up with further investigations. For example, a \$200,000 contract for a study of social welfare problems has been awarded to Space-General Corporation, partly as an outgrowth of the crime control study which Space-General conducted. A \$200,000 contract also has been awarded for a study of land-use data, a project closely related to the study of a statewide information system. If some urgency has gone out of the California study program, it is because the aerospace industry has not suffered the heavy loss of defense and space contract work once feared.

Some large questions must be answered before "systems" to combat pollution, crime, urban blight, and other social ills are not only formulated but established and put in operation. Just what such systems would be, and how they would operate, generally remains vague.

Having a private firm establish a waste disposal system for a large metropolitan region is perhaps one way of overcoming the region's political fragmentation. But that fragmentation may prove one of the greatest obstacles in creating the system in the first place. How can the multitude of individual political units within metropolitan regions be brought to collaborate in so novel a venture? And will they simply have a company

establish the system, then turn it over to a regional political authority for operation? Or will the operating authority be delegated to the company? And, if the latter, how will the voters react to the fact that a profit-making enterprise has been given authority to run a service affecting their interests?

These and other questions involved in the application of systems analysis to social problems are indeed important and difficult—so much so that the Republican enthusiasts for the "systems approach" believe that establishment of their proposed National Commission on Public Management should precede any other steps. The commission would be asked to identify those social problems to which the systems approach is most applicable and to suggest how that approach can best be applied. The 13-member commission would consist of two senators, two congressmen, and nine members to be appointed by the President from among persons in government, education, business, or research, who have special training or interest in the matter which the commission will consider.

For his part, Senator NELSON calls the Republican bill a "half-hearted step," and says that no national study is needed. However this may be, it now seems evident that political interest in the systems approach to the problems of government and society is fast growing. This may be taken as a hopeful sign by those who believe that this approach offers the only real solution to problems which are among the nation's most important and vexing.

ANNOUNCEMENT OF HEARING

Mr. RIBICOFF. Mr. President, last August the Subcommittee on Executive Reorganization held 3 weeks of hearings on how the Federal Government is organized to deal with the problems of urban America.

In the first week, we heard from the heads of the Federal agencies administering those programs having the greatest urban impact—Housing and Urban Development; Health, Education, and Welfare; Justice; Labor; and the Office of Economic Opportunity. We were interested in not so much what their programs were—one need only read one of the many handbooks to discover that—but how they operated, how they were managed and coordinated, at the Federal level in an efficient and economical manner.

We were especially concerned with the effect of Public Law 89-174, the act which created the Department of Housing and Urban Development. That Department was created to serve as the principal Federal agency to deal with the growing crisis in American cities, and one of our basic concerns was to determine how effectively the Department was organized to accomplish that purpose.

In the course of the subcommittee's consideration of the bill establishing HUD, two amendments were adopted which reflect our subcommittee's concern. The first, introduced by the distinguished senior Senator from New York [Mr. JAVITS], contemplated the creation of the position of Director of Urban Program Coordination. We intended that this Director would play a key role in coordinating the Federal efforts in urban affairs.

The second amendment, introduced by the distinguished junior Senator from New York [Mr. KENNEDY], directed the

President to study the scope of the Department's functions and recommend such additional functions as he saw fit.

These amendments demonstrated the subcommittee's belief that the Department of Housing and Urban Development was not created as a finished agency—and that the Department should play the leading role in the Nation's efforts to resolve the problems of the cities.

If this Nation is to develop a meaningful organization to carry out the policy for our urban areas, then we must base that organization and that policy on the conditions as they actually exist and not on the conditions that we in Washington may think exist.

And so we devoted the second and third weeks of our hearings to an effort to determine if our Federal effort—as evidenced by over 100 Federal urban programs and the expenditure of many hundreds of millions of dollars—was making itself felt at the grassroots, where the people live. We heard from the chief executives of some of our Nation's leading cities—from the East, the Midwest, the South, the Far West. And we heard from people who tried to tell us what ghetto life was all about, what seeking aid from a Government agency is really like.

We learned a good deal. We learned that we must recognize what the city was in the past and how men of previous generations regarded life in the city. We must learn what benefits they took from the city and what handicaps the city created. And then we must repeat that inquiry into the city of today.

We want to know the sociology of the city. How do people organize their lives together? What are the personal and impersonal forces that have deep consequences on individual lives? We want to understand the psychology of the city. How does living in a city, or in a particular neighborhood, and working at a particular kind of job, affect a person's outlook on both himself and the world around him? And we want to examine the economics of the city. For in examining the organization of the executive branch relating to urban problems, we must know the basic facts of urban life and we must learn them from the people who live there.

For the organization of the Federal Government is not an impersonal, paper-shuffling matter. It is not merely organization charts arrayed in neat patterns. Rather, it is the very essence of democracy—the very kernel of the real business of Government—its effect on and relationship with the Government.

It would be well to keep in mind some cogent thoughts written on the subject of improving the machinery of Government which are very applicable:

IMPROVING THE MACHINERY OF GOVERNMENT

Throughout our history we have paused now and then to see how well the spirit and purpose of our Nation is working out in the machinery of everyday government with a view to making such modifications and improvements as prudence and the spirit of progress might suggest. Our Government was the first to set up in its formal Constitution a method of amendment, and the spirit of America has been from the beginning of our history the spirit of progressive changes to meet conditions shifting perhaps

more rapidly here than elsewhere in the world. Since the Civil War, as the tasks and responsibilities of our Government have grown with the growth of the Nation in sweep and power, some notable attempts have been made to keep our administrative system abreast of the new times. . . . Now we face again the problem of governmental readjustment. . . . There is room for vast increase in our national productivity and there is much bitter wrong to set right in neglected ways of human life.

There is need for improvement of our governmental machinery to meet new conditions and to make us ready for the problems just ahead. Facing one of the most troubled periods in all the troubled history of mankind, we wish to set our affairs in the very best possible order to make the best use of all our national resources and to make good our democratic claims. If America fails, the hopes and dreams of democracy over all the world go down. We shall not fail in our task and our responsibility, but we cannot live upon our laurels alone. We seek modern types of management in National Government best fitted for the stern situations we are bound to meet, both at home and elsewhere. . . . The efficiency of government rests upon two factors: The consent of the governed and good management.

In a democracy consent may be achieved readily, though not without some effort, as it is the cornerstone of the constitution. Efficient management in a democracy is a factor of peculiar significance. Administrative efficiency is not merely a matter of paper clips, time clocks, and standardized economies of motion. These are but minor gadgets. Real efficiency goes much deeper down. It must be built into the structure of a government just as it is built into a piece of machinery. . . . In proceeding to the reorganization of the Government it is important to keep prominently before us the ends of reorganization. Too close a view of machinery must not cut off from sight the true purpose of efficient management. Economy is not the only objective, though reorganization is the first step to savings; the elimination of duplication and contradictory policies is not the only objective, though the new organization will be simple and symmetrical; higher salaries and better jobs are not the only objectives, though these are necessary; better business methods and fiscal controls are not the only objectives, though these too are demanded. There is but one grand purpose, namely, to make democracy work today in our National Government; that is, to make our Government an up-to-date, efficient, and effective instrument for carrying out the will of the Nation.

This inspired statement of the role of proper executive management—with its striking implications for today—comes from the introduction to the Report of the President's Committee on Administrative Management which was submitted to the Congress by President Franklin D. Roosevelt, January 12, 1937.

Thirty years have passed since that statement was written. But we are still grappling with the same basic issues: How do we keep our Federal Government a live, responsive instrument of national policy? How do we insure that it is organized effectively to deal with the Nation's needs?

To explore these issues in greater depth, I wish to announce that the subcommittee will resume its hearings during the recess, beginning November 29. After these additional hearings, the subcommittee will be better prepared to deal specifically with improving the machinery of Government—especially HUD—in order to assure realization of our Na-

tion's grand purpose, to make democracy work, to make our Government an up-to-date, efficient, and effective instrument for carrying out the will of the Nation.

SENATOR MILWARD L. SIMPSON

Mr. INOUE. Mr. President, it is with regret that I see the termination of MILWARD SIMPSON's career in the Senate. It culminates many years of productive service to his State and to the Nation, and illustrates the breadth of experience this country has been fortunate in being able to draw from in its political leadership.

He moved from the practice of law as a young man in the colorful State of Wyoming to service in its State Legislature; then to a distinguished career as Governor of that State; and now as its Senator.

No better proof of a free and democratic society could be found than this record of his career, and no better example of the character and good judgment of the American people could be cited than that they have selected as their leader a man of his strength and diligence, his integrity and warmth.

I wish him well. We shall all miss him.

JUSTICE DOUGLAS' EXPENSES

Mr. WILLIAMS of Delaware. Mr. President, in the Washington Daily News of Wednesday, October 19, 1966, there appeared an editorial concerning the \$12,000 per year which Supreme Court Justice Douglas has allegedly been receiving as an expense account from the Albert Parvin Foundation.

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

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

JUSTICE DOUGLAS' EXPENSES

It all may be quite honorable, but the questions raised by Senator JOHN J. WILLIAMS of Delaware about Supreme Court Justice William O. Douglas' expense account from a tax-exempt foundation also are quite legitimate.

The Justice, according to a published account, has been getting \$12,000 a year in expense money from the Albert Parvin Foundation in Los Angeles which finances fellowship programs for students from so-called underdeveloped countries. The students study at Princeton or the University of California at Los Angeles.

One of the questions has to do with whether or not the foundation gets some of its income indirectly from a Las Vegas hotel and gambling casino.

But the source of the foundation's money is beside the point. Gambling is legal in Las Vegas.

More important, should a Justice of the Supreme Court derive outside funds from anybody, whether used for "expenses" or otherwise? Should he be involved in the work of any foundation, whatever its worthiness?

Senator WILLIAMS pointed out the salary of a Justice is \$39,500 a year, which he may retain in full in retirement. This, along with his lifetime appointment, was designed to "insulate members of the Supreme Court from being dependent upon outside income."

Foundations in general—not this one in particular—have been under Congressional

investigation from the standpoint of their eligibility for tax exemption. It would be no surprise if a case involving this question should develop before the Supreme Court. In that case, Justice Douglas might excuse himself from any part in the case. But his position as an expense-paid consultant still would color public acceptance of the court's decision, whatever it might be.

Confidence in the Supreme Court's complete impartiality (regardless of differences over its judgment) is a root essential in our judicial system. Anything, well-intentioned or otherwise, which ruffles that confidence detracts from the prestige and authority of the court. On that basis, we dissent, along with Senator WILLIAMS, from Justice Douglas' judgment of his own ethics.

SPEECH BY JONG PIL KIM

Mr. DODD. Mr. President, the cornerstone-laying ceremonies for the Winston Churchill Memorial and Library took place at Westminster College, Fulton, Mo., on October 6, 1966. The ceremonies brought together a distinguished group of guests from Britain and the United States and other countries. I consider it highly significant that the main address on this occasion was delivered by an Asian visitor, Brig. Gen. Jong Pil Kim, chairman of the Democratic Republican Party of Korea.

General Kim has been a moving spirit in the new Government since its inception. This Government, it perhaps should be recalled, had its genesis in a military coup in 1960, directed against a corrupt and inept civilian government. But unlike most military juntas in Asia and elsewhere, the military leaders in Korea acted to restore parliamentary democracy and showed themselves willing to risk their leadership in free and open elections. For this alone, President Park and his able assistant, Jong Pil Kim, deserve a world of credit.

Chairman Kim also deserves far more recognition than he has yet received for his statesmanship and courage in promoting the treaty normalizing relations between Korea and Japan.

Speaking about the attitude of his own people toward the Vietnamese war, Chairman Kim quoted the words of Korean President Park:

Our own experience both in war and in international cooperation has taught us that this is the right thing to do. Our help to Vietnam was dictated by a conscience of a free people. Our support to Vietnam is not an aggressive intervention in a foreign country, but a constructive participation in defense of peace. Let it be known that our objective is not prolongation of the war, but a speedy restoration of peace.

In his speech, Chairman Kim also painted an impressive picture of the economic and social progress achieved by Korea in recent years. Let me quote briefly from his eloquent statement:

Even as late as 1961, the image of my country as a war-devastated agricultural nation, with no products to export, lacking the capacity for industrial development, was valid.

Today it is totally obsolete.

From 1962 onward, President Park has been a dynamo behind the First Five Year Development Plan. The results have been spectacular.

Compared to 1961, Korean economy today can boast productivity which has doubled, tripled, or in some cases grew 10 times as

much as that of the base year. The basic industries today include electricity, fertilizer, cement, petroleum refining, coal, iron and steel. Unemployment that had numbered over two million in 1961 declined to several hundred thousands.

It is expected that Korea will achieve self-sufficiency in food production by the year 1970.

Chairman Kim said that the most powerful ally of Communist aggression was fear. He said that the West was too much concerned over the possibility that Red China might enter the Vietnam conflict.

"Given limitations to Communist Chinese capability," he declared, "and, given the current circumstances, I know that Chinese Communists do not have the means with which to vastly expand their commitment in Vietnam or to fight a decisive battle against the United States.

"In Cuba and the Congo, in Algeria and Indonesia, they overextended themselves. As the newly emerging nations gained insight into the true nature of the dragon, they also began to awaken to the benefits of a free society. Today China has lost almost every friend she had in the world except her captive nations and Albania. And from that European power she cannot expect significant foreign aid."

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, the entire text of Chairman Kim's remarks at Westminster College on October 6.

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

DAWN OVER ASIA—THE PATH TO FREEDOM
(By Jong Pil Kim)

(A John Findley Green lecture to be delivered on October 6, 1966 at Westminster College, Fulton, Mo., on the occasion of the cornerstone-laying ceremonies for the Winston Churchill Memorial and Library.)

President Davidson, My Lord Bishop, Your Excellencies, Distinguished Guests, Ladies and Gentlemen, it is a great honor for me to speak from this rostrum today at this most prominent institution of learning. The compliment is magnified by this occasion on which free men throughout the world will quietly join us in prayer for peace and praise for the endowment left to all of us by Sir Winston Churchill. It was here twenty years ago that the great world leader delivered the famous "Iron Curtain" address, in which he named an historical era that had yet to unfold before the human race. By bringing the issues of the Cold War into focus, he compelled the attention of the world to be fixed on Europe for two decades to come.

Sir Winston had correctly forecast the polarization of the world. The impact of his vision on the American public opinion was enormous, but so was the criticism against him. Soon events proved the accuracy of his predictions and proved that he had given all of us an understanding of the challenge that confronted the free world. With this understanding, the West was able to form an alliance for effective reconstruction of a free Europe.

Twenty years ago, Sir Winston had come to America from across the Atlantic. He had come to speak for Europe. I have traveled across the Pacific to talk about Asia where a hot war is being fought at this very moment. Nevertheless, my message is one of hope.

The Iron Curtain traversing Europe from the Baltic to the Adriatic Sea is rusting and the bamboo curtain stretching from the Himalayas to Mt. Diamond on the east coast of Korea has the appearance of decay after 20 years of wind and rain.

The eyes and ears of the world are turning from the Iron Curtain toward the bamboo curtain, because peace has suffered a critical wound in Asia; and because a great surgical operation has been started on this wound.

Asia is not merely a geographic name. Asia is the home of three fifths of world population. Asia occupies 30 per cent of the land surface of the earth. The Asian land mass is four times as large as that of Europe.

Asia has its philosophies, ethics, cultures, and above all it has a history of civilizations at least five thousand years old. But a realistic picture of Asia, with its seemingly portraying frustration, aggression, disunion, and laceration. Asia, with its seemingly inexhaustible natural resources, is suffering from poverty and hunger.

But the other side of this dark picture shows that hundreds of millions of free Asian peoples are struggling to improve their future.

Who are these peoples? I would say without a moment's hesitation that these are your friends, and they can be your partners in building a prosperous free world united in understanding, mutual trust and cooperation.

Modern history of Asia began with a severe shock from the Western World and Asia's reaction to this jolt. Asians were powerless before the onrushing wave of history.

Only a few centuries earlier, the Asians had been an intrepid race with their own brilliant civilization. This traditional non-materialistic culture had to yield to the scientific civilization of the West. After World War II, while the United States pursued a "Europe first" policy, a power vacuum existed in Asia.

International communism sought to fill this vacuum, often with success. In 1949, Communists took over the Chinese continent. In 1950, Communists attempted a military conquest of the Republic of Korea. Having failed in Korea, the Communists followed up with a series of probing actions along the periphery of China, from the Indian Ocean to the East China Sea. They soon found a weak spot, Vietnam.

And so, disunited Asia met with piecemeal aggression. Today Vietnam is the victim of the only hot war on the globe. And it is here freedom is fighting against an evil and ruthless international terrorism. If totalitarianism is defeated in Vietnam, it may be the last hot war.

If freedom is defeated there, it may leave us forever. The war in Vietnam may well decide the fate of the freedom of us all.

Let us remember that in Vietnam we are acting upon the truth that freedom belongs to those who are ready and willing to fight for it.

Less dramatic problems are innumerable throughout Asia; political instability resulting from the gap between socio-economic reality and adopted Western institutions; dissimilarity in the language, cultures, religions, and historical experiences of Asian countries, and conflict between assertive nationalism and need of foreign aid for modernization.

Asians have not been totally unaware of these difficult problems. There have been past attempts at solutions by calling upon the chauvinistic doctrine of the "Celestial Empire", or the totalitarian idea of the "Greater Asian Coprosperity Sphere". These designs were based on a feudal conception of a master-servant relationship applied to nations. They were predoomed to fail in an age of growing nationalism.

After World War II, a more rational solution to the problem of regional organization was offered in the form of organizations such as SEATO.

But these tend to be too West-oriented to satisfy the increasing need of the Asian peoples to exercise initiative and responsible leadership.

It is high time we gave frank recognition to the earnest aspiration of Asian peoples to build their own cooperative arrangement to promote balanced development and prosperity based on principles of equal partnership and shared responsibility.

Asians are awakening to a sense of responsibility for their own welfare, and it accounts for the recent success of spontaneous inter-Asian cooperation in political, economic, social, cultural, and even in military endeavors.

Is this a sign of Asian exclusiveness? No, it is a healthy manifestation of a regional spirit, which makes free Asia more valuable to the world community.

This new trend, evaluated against the background of traditionalism in the Asian social fabric, has a truly revolutionary significance. In contrast to the accelerated development of the Asian drive for modernization, authoritarianism and person charisma are becoming less important in Asian politics.

Asia is discovering a new and vigorous leadership, not only to rally a nation around goals of freedom, but also to promote understanding between nations. It is leadership that encourages faith and inspires trust. It is leadership that unites a people.

If faith and trust are important to a national community, so are they to an international community.

And so I would say this to my Asian contemporaries: Let us appreciate the pervasiveness and ubiquity of Western values.

To our friends in the West, I say: Let us recognize and understand the universality of the Asian issues.

I do not deny that primary responsibility for Asia's prosperity and freedom lies ultimately with the Asian peoples themselves.

I am an Asian. I have witnessed and experienced Asia's plight. Emotionally and intellectually I can identify with my fellow Asians in their sorrows and sufferings but being an Asian is not the same as knowing about Asia.

You may know much about Asia. You have perceived Asia through various communications media which enabled you to form an idea of a region thousands of miles away.

But we know that human perception is culturally conditioned and patterned. One sees, feels and imagines about any situation is, to a large extent, determined by the kind of cultural environment in which one lives. We must admit that this has often been a cause of international misunderstandings.

Having said this, and without any pretensions to expertise, I am grateful to you for this opportunity to state my views frankly. Ladies and Gentlemen:

I wish to speak of Communist China as those of us who suffered most at her hand see her. The Chinese have always thought of their Middle Empire as a dragon in the center of the world. Throughout 5,000 years in the History of China, internal strife was a frequent occurrence. After each successful take-over, the impetus of conquest invariably victimized all those peoples and countries on the periphery of the Chinese mainland.

In 1950, only one year after their revolution, one million Red Chinese Troops crossed the Yalu to attack the Republic of Korea. This aggression was stopped, thanks to the swift and courageous resistance offered by the Korean, United States and other U.N. forces.

It is important to note that the Chinese Dragon did not recoil voluntarily. Its advance was frustrated by freedom's power to resist.

In 1953, an armistice agreement was concluded in spite of strong opposition by the Koreans. Our people had opposed an armistice that would perpetuate the tragic division of Korea indefinitely.

The Korean people were angered by the realization that in spite of untold sacrifices

in blood and tears the chance to repair their lacerated country had been lost. We in Korea do not believe that the opportunity was lost because Chinese Communist forces were superior to the U.N. and U.S. forces; rather we suspect the policy of appeasement adopted by the West allowed the Communists to keep what they had gained through an open defiance of international law and order.

Chinese communism emerged out of the Korean War with a mistaken impression that they had won victory over the West and that internal discord and hesitation on the part of the West would guarantee ready success throughout the world.

Such overconfidence led the Communist Chinese to launch bold ventures overseas. The Chinese Communists seemed to operate everywhere in the world. In the Middle East, in Europe, in Africa, in Cuba and indeed in the rest of Latin America, the Chinese Communists instigated destruction and insurgency. They swallowed inoffensive and defenseless Tibet. They invaded India. They turned against their former friend, the Soviet Union, with increasing stridency. Their arrogance was incredible.

Their most powerful ally was Fear.

Ladies and Gentlemen, I know there exists in the United States a considerable pacifistic sentiment. I appreciate the attractiveness of the logic of appeasement. It can be very persuasive. But Communism is essentially a strategy of violence derived from its extremely inflexible world view which has nothing to do with what the free world prefers to hope.

What the Chinese Communists do, in short, is determined by what their strategy of world communication demands, and not by the "good will" or "good sense" of appeasement. Well meaning people have underestimated the seriousness of their enemy's intent, as they have overestimated her power.

I am well aware of the generally felt concern about the possibility of a direct confrontation between the United States and Communist China following a larger scale Communist Chinese intervention in Vietnam.

I know that it can be argued that the internal frustrations of the Chinese Communists could be turned outward.

I note with all caution the existence of potential Red Chinese nuclear capability. I do not underestimate Red Chinese's ability to raise ten million men for military and para-military purposes. I know, as all Koreans know, what the "human wave" tactics can and cannot do.

But, given limitations to Communist Chinese capability and, given the current circumstances, I know that Chinese Communists do not have the means with which to vastly expand their commitment in Vietnam or to fight a decisive battle against the United States.

In Cuba and the Congo, in Algeria and Indonesia, they overextended themselves. As the newly emerging nations gained insight into the true nature of the dragon, they also began to awaken to the benefits of a free society. Today China has lost almost every friend she had in the world except her captive nations and Albania. And from that European power she cannot expect significant foreign aid.

Meanwhile, internal convulsions such as the "Great Leap Forward" movement had reaped failure in Red China. Purges and struggles inevitably followed under the system of Communist dictatorship.

Even on the mainland, the Chinese people have offered resistance against the incredible vandalism and barbarity of the Red Guard. The weakness fundamental to the Chinese Communist regime is clearly observed by those of us who live in Asia.

Above all, we must not overlook the decisive encouragement and commitment of the United States. I believe this has been a

constant source of inspiration and encouragement to millions of Asian peoples and had much to do with the shift of world opinion against the excessively militant breed of Communism.

Before I proceed further, let me make it clear that I am no believer in a preventive war.

But the war is a fact in Vietnam. You have already committed your national resources and prestige to the noble task of performing surgery on a wound in the tissues of peace. This wound was inflicted upon peace by the Communist aggressors, emphatically not by the surgeon. You hold in your hand a surgeon's knife.

And you do not stand alone. Side by side with your soldiers are Asian crusaders for freedom and peace in Vietnam. The United States, the Republic of Korea, Thailand, the Philippines, Australia and New Zealand are fighting a war against the Communist terrorists and guerrillas in Vietnam.

There is a voice in the United States, clamoring for immediate withdrawal of U.S. troops from Vietnam. To leave Vietnam now would be like asking a surgeon to quit the patient after an incision has been made but before the wound has been sutured. If the surgeon followed that advice, a man would die from loss of blood, or would, at best, become crippled for the rest of his life.

I think the duty in this case is to see the operation through.

Those who advocate appeasement would give the patient a temporary relief, some kind of pain-killing drug. I do not think this is the right prescription.

I abhor fanaticism; but I am equally against defeatism. I do not believe in quitting or abandoning one's responsibility.

Everyone desires peace. Mankind has fought for thousands and thousands of years for peace, but peace cannot be gained by stopgap measures or makeshift policy.

Peace requires understanding and mutual cooperation among those who sincerely desire it. Such understanding and cooperation can be achieved only through sacrifice. Yes, peace requires efforts, yours and mine. Peace may call for our blood and our tears, as it does now. But the Korean people are convinced the prize of peace is worth the sacrifice.

Peace is a supreme virtue that man can cultivate.

The mainspring of power for peace lies in the collective conscience of mankind, for through the living conscience of mankind the will of God is revealed. Man must do what he can and obey the will of God.

Upon the shoulders of all of us who are born in this age—regardless of the difference in color of skin, nationality or traditional backgrounds—lies the inescapable responsibility to trudge on the narrow path of peace.

In 1965, the government of the Republic of Korea under President Park accepted the request of the government of the Republic of Vietnam for military assistance and sent more than 40,000 Korean soldiers to their aid.

On that occasion, President Chung Hee Park declared: "Our own experience both in war and in international cooperation has taught us that this is the right thing to do. Our help to Vietnam was dictated by a conscience of a free people. Our support to Vietnam is not an aggressive intervention in a foreign country, but a constructive participation in defense of peace. Let it be known that our objective is not prolongation of the war, but a speedy restoration of peace."

At the root of President Park's decision are faith, trust and courage.

Korea has never forgotten that she owes a debt of gratitude to the free allies which had offered help in the darkest days of the republic. Koreans attach a great importance to loyalty and trust. Koreans are a faithful people.

I would like to say to President Truman, "You kept faith with us. Now we will keep faith with you."

I know that in modern international relations, where "national interest" is paramount, loyalty or trust are often thrown aside. I know that international loyalty is an extremely rare occurrence. But precisely because it is so hard to come by, its value is enhanced.

It may be that the very concept is peculiarly "Asian" or premodern. But this is one traditional value which I do not wish to see discarded.

Now let me tell you of a country, my country, that is strongly conscious of these values. My country is determined to strengthen the sinews of peace in Asia. And the news from Korea is good—astonishingly good!

Ladies and Gentlemen:

The Republic of Korea has journeyed a turbulent path since 1948. We had barely recovered from the economic dislocations imposed by a half century of Japanese occupation and imperialism, and the illegal division of our country imposed by Soviet Arms at the end of World War II, when we were plunged into a new crisis.

Even as late as 1961, the image of my country as a war-devastated agricultural nation, with no products for export, lacking the capacity for industrial development, was valid.

Today it is totally obsolete.

From 1962 onward, President Park has been a dynamo behind the First Five Year Development Plan. The results have been spectacular.

Compared to 1961, Korean economy today can boast productivity which has doubled, tripled, or in some cases grew 10 times as much as that of the base year. The basic industries today include electricity, fertilizer, cement, petroleum refining, coal, iron and steel. Unemployment that has numbered over two million in 1961 declined to several hundred thousands.

It is expected that Korea will achieve self-sufficiency in food production by the year 1970.

Korea has emerged out of despair and is now growing at a yearly rate of 7.6 per cent. Today, Korea exports six times as much as she did five years ago. Manufactured goods occupy 62 per cent of the gross export earnings, and Korea is now fast becoming an industrial nation.

Economy is expected to reach a "take-off" stage by 1970s and Korea's annual per capita income is expected to more than triple.

We are forging the iron sinews of self-sufficiency in the furnace of a free economy. Our success has rested on the industry and resourcefulness of the Korean people but our progress could not have been possible, first without military victory of the United Nations forces and subsequently without massive and intelligently utilized American aid.

Once, our future and the future of the free democracies everywhere in Asia looked dim; economic stagnation seemed to conspire with political instability to complete a vicious circle. Today it is our hope that your patience and generosity will be rewarded when we so raise our standards of living in an atmosphere of freedom that we become a beacon for all the newly developing nations who seek the way to social justice and economic plenty.

Other nations in free Asia are making similar progress. We are much encouraged to see that understanding by the United States and European countries for Asia is developing and consequently their assistance and cooperation with Asia is increasing.

Although American concern for Asia in the past was belated and negative compared with that for Europe, Asian problems have a greater bearing on the destiny of the United States than any other problems in today's world.

Last July, President Johnson said, and I quote: "Asia is now the crucial arena of man's striving for independence and order . . . and for life itself . . . If enduring peace can come to Asia, all mankind will benefit. But if peace falls there, no where else will our achievements be secure."

We believe that President Johnson's analysis is prophetic.

Asia now faces a decisive moment. Opportunity knocks but once. This is the opportunity the Free World can ill afford to lose.

Let no historian in the future sadly reflect on the what-might-have-been in Asia.

There is a growing consensus about what should be done in Asia by Asians. And today Asia is more daring than ever before in taking the initiative in solving numerous problems.

The Republic of Korea wishes to play a leading role in the march toward a free and unified Asian community. We have already given momentum to this movement. The Republic of Korea, which suffered untold sacrifices when Communistic aggression provoked the war of 1950, is again fulfilling its responsibility in South Vietnam with conviction and zeal. We are convinced that ultimately peace will never be achieved through appeasement, but only through a positive action backed by the united strength of the entire free world.

This is the moment when United States cooperation with Asia should be intensified. The firm American stand in Vietnam has also provided the momentum to establish a system of regional cooperation in Asia. Our own efforts to establish a regional cooperative system have been steadily progressing and bearing fruit.

I think the signal is "Go" for a free united Asia.

It is my belief that world peace will have a solid foundation when free Asia is bound with a "rope of peace" and is further united with the western free world. Only then will the free world be able to tear down the rusting Iron Curtain and roll up the Bamboo Curtain. Only then, the free world, if it so desires, will be able to negotiate with the Communist bloc through strength achieved by unity. Then can the peoples of divided Korea and Vietnam be able to regain territorial and national unity.

In this way, when a new cooperative system comes into being, Asia, once considered as a burden to the world, will become a proud region which can make a positive contribution to the welfare of all. Asian civilization, which has been superseded by European material culture, will recover its lustre and contribute toward a greater and higher civilization.

Asia, emerging from a long darkness, faces a new dawn.

My country, Korea, is at the forefront on Asia's path to freedom—shoulder to shoulder with other free men and women everywhere.

Toward the bright sun—and toward a shining peace.

Thank you.

A TRIBUTE TO RETIRING SENATORS SALTONSTALL, RUSSELL, AND SIMPSON

Mr. MCGOVERN. Mr. President, I want to join with the many others who have a sense of loss at the retirement of Senators SALTONSTALL, SIMPSON, and DONALD RUSSELL, of South Carolina.

My association with each of these three Senators has given me a great respect for them, not only as friends and associates, but as men true to their own deep personal convictions on national policy.

Senator SALTONSTALL's thoughtful, rather than partisan, approach to prob-

lems before us have repeatedly impressed me.

It has been my pleasure to serve with Senator DONALD RUSSELL on the Agriculture Committee, and MILWARD SIMPSON on the Interior Committee. I consequently know something of the time and energy they have devoted to the national interest, and to effective representation of their constituencies.

I am pleased to know that Senator RUSSELL will continue in the public service on the Federal bench, a role for which he is extremely well qualified. He has made a real contribution to the development of domestic agricultural programs, and the new food-for-peace program.

Senator SIMPSON has proved not only a genial colleague, but one of our committee's most knowledgeable members in the fields of water, recreation, and natural resources.

I wish each of them Godspeed in the years ahead. I am sure that wherever they may be, they will be continuing to serve the public good, as they have so ably served it in the past.

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 bill (S. 3466) to change the name of the Rolla Jewel bearing plant at Rolla, N. Dak., to the William Langer Jewel bearing plant.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9167) to amend title 18 of the United States Code to enable the courts to deal more effectively with the problem of narcotic addiction, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 647) to amend the act of March 3, 1901, to permit the appointment of new trustees in deeds of trust in the District of Columbia by agreement of the parties.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 14643) to provide for the strengthening of American educational resources for international studies and research, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 203) to amend title 38, United States Code, to set aside funds for research into spinal cord injuries and diseases.

INTERNATIONAL EDUCATION ACT OF 1966

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 14643) to provide for the strengthening of American educational resources for interna-

tional studies and research, which was in lieu of the matter inserted by the Senate amendment to the text of the bill, insert the following:

That this Act may be cited as the "International Education Act of 1966".

Findings and declaration

SEC. 2. The Congress hereby finds and declares that a knowledge of other countries is of the utmost importance in promoting mutual understanding and cooperation between nations; that strong American educational resources are a necessary base for strengthening our relations with other countries; that this and future generations of Americans should be assured ample opportunity to develop to the fullest extent possible their intellectual capacities in all areas of knowledge pertaining to other countries, peoples, and cultures; and that it is therefore both necessary and appropriate for the Federal Government to assist in the development of resources for international study and research, to assist in the development of resources and trained personnel in academic and professional fields, and to coordinate the existing and future programs of the Federal Government in international education, to meet the requirements of world leadership.

TITLE I—GRANT PROGRAMS FOR ADVANCED AND UNDERGRADUATE INTERNATIONAL STUDIES Centers for Advanced International Studies

SEC. 101. (a) The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized to arrange through grants to institutions of higher education, or combinations of such institutions, for the establishment, strengthening, and operation by them of graduate centers which will be national and international resources for research and training in international studies and the international aspects of professional and other fields of study. Activities carried on in such centers may be concentrated either on specific geographical areas of the world or on particular fields or issues in world affairs which concern one or more countries, or on both. The Secretary may also make grants to public and private non-profit agencies and organizations, including professional and scholarly associations, when such grants will make an especially significant contribution to attaining the objectives of this section.

(b) Grants under this section may be used to cover part or all of the cost of establishing, strengthening, equipping, and operating research and training centers, including the cost of teaching and research materials and resources, the cost of programs for bringing visiting scholars and faculty to the center, and the cost of training, improvement, and travel of the staff for the purpose of carrying out the objectives of this section. Such grants may also include funds for stipends (in such amounts as may be determined in accordance with regulations of the Secretary) to individuals undergoing training in such centers, including allowances for dependents and for travel for research and study here and abroad. Grants under this section shall be made on such conditions as the Secretary finds necessary to carry out its purposes.

Grants To Strengthen Undergraduate Programs in International Studies

SEC. 102. (a) The Secretary is authorized to make grants to institutions of higher education, or combinations of such institutions, to assist them in planning, developing, and carrying out a comprehensive program to strengthen and improve undergraduate instruction in international studies. Grants made under this section may be for projects and activities which are an integral part of such a comprehensive program such as—

(1) planning for the development and expansion of undergraduate programs in international studies;

- (2) teaching, research, curriculum development, and other related activities;
- (3) training of faculty members in foreign countries;
- (4) expansion of foreign language courses;
- (5) planned and supervised student work-study-travel programs;
- (6) programs under which foreign teachers and scholars may visit institutions as visiting faculty; and
- (7) programs of English language training for foreign teachers, scholars, and students.

The Secretary may also make grants to public and private nonprofit agencies and organizations, including professional and scholarly associations, when such grants will make an especially significant contribution to attaining the objectives of this section.

(b) A grant may be made under this section only upon application to the Secretary at such time or times and containing such information as he deems necessary. The Secretary shall not approve an application unless it—

- (1) sets forth a program for carrying out one or more projects or activities for which a grant is authorized under subsection (a);
- (2) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes which meet the requirements of subsection (a), and in no case supplant such funds;
- (3) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and
- (4) provides for making such report, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(c) The Secretary shall allocate grants to institutions of higher education under this section in such manner and according to such plan as will most nearly provide an equitable distribution of the grants throughout the States while at the same time giving a preference to those institutions which are most in need of funds for programs in international studies and which show real promise of being able to use funds effectively.

Method of Payment; Federal Administration

Sec. 103. (a) Payments under this title may be made in installments, and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

(b) In administering the provisions of this title, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution, in accordance with written agreements between the Secretary and the head thereof published in the Federal Register three weeks prior to the date on which any such agreement is to become effective.

Federal Control of Education Prohibited

Sec. 104. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, or the selection of library resources by any educational institution or over the content of any material developed or published under any program assisted pursuant to this Act.

Authorization and Reports

Sec. 105. (a) There is authorized to be appropriated \$1,000,000 for the fiscal year ending June 30, 1967, which shall be available only for the purpose of preparing the report provided for in subsection (b) of this section. There are authorized to be appropriated \$40,000,000 for the fiscal year ending June 30, 1968, and \$90,000,000 for the fiscal year ending June 30, 1969, for the purpose of carrying out the provisions of this title. For the fiscal years thereafter there shall be appropriated for the purpose of carrying out the provisions of this title only such amounts as the Congress may hereafter authorize by law.

(b) The Secretary shall prepare, with the advice of the Advisory Committee appointed pursuant to section 106, a report containing specific recommendations for carrying out the provisions of this title, including any recommendations for amendments to this title and to portions of other laws amended by this Act, and shall submit such report to the President and the Congress not later than April 30, 1967.

(c) Prior to January 31, 1968, and prior to January 31 in each year thereafter, the Secretary shall make a report to the Congress which reviews and evaluates activities carried on under the authority of this Act and which reviews other activities of the Federal Government drawing upon or strengthening American resources for international study and research and any existing activities and plans to coordinate and improve the efforts of the Federal Government in international education.

National Advisory Committee on International Studies

Sec. 106. (a) The President is authorized to establish in the Department of Health, Education, and Welfare a National Advisory Committee on International Studies, consisting of the Assistant Secretary of Health, Education, and Welfare for Education who shall be chairman, and not more than fifteen additional members appointed by the President so that a majority shall constitute a broad representation of higher education in the United States and the remainder shall include representatives of the general public and individuals experienced in foreign affairs.

(b) The Advisory Committee shall advise the Secretary in the preparation of the report provided for in section 105(b) of this Act, and thereafter shall advise the Secretary in carrying out the provisions of this Act. The recommendations of the Advisory Committee shall be included in the report provided for in section 105(b) of this Act and in the annual reports provided for in section 105(c) of this Act.

(c) Members of the Advisory Committee who are not regular full-time employees of the United States shall, while serving on business of the Committee, be entitled to receive compensation at rates fixed by the President, but not exceeding \$100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

(d) The Advisory Committee is authorized to appoint without regard to the provisions of title 5, United States Code, covering appointment in the competitive service, and fix the compensation of, without regard to chapter 51 and subchapter III of chapter 53 of such title, such professional and technical personnel as may be necessary to enable it to carry out its duties.

TITLE II—AMENDMENTS TO OTHER LAWS

Amendments To Strengthen Title VI of the National Defense Education Act of 1958

Removing requirement for area centers that adequate language instruction not be readily available

Sec. 201. (a) (1) The first sentence of section 601(a) of the National Defense Education Act of 1958 is amended by striking out "(1)" and by striking out ", and (2) that adequate instruction in such language is not readily available in the United States".

(2) The first sentence of section 601(b) of such Act is amended by striking out "(with respect to which he makes the determination under clause (1) of subsection (a))" and inserting in lieu thereof "(with respect to which he makes the determination under subsection (a))".

Removing 50 per centum ceiling on Federal participation

(b) The third sentence of section 601(a) of such Act is amended by striking out "not more than 50 per centum" and inserting "all or part" in lieu thereof.

Authorizing grants as well as contracts for language and area centers

(c) Section 601(a) of such Act is amended further by inserting "grants to or" after "arrange through" in the first sentence, and by inserting "grant or" before "contract" each time that it appears in the second and third sentences.

Vesting authority for language and area programs in Secretary

(d) Section 601 of such Act is further amended by striking out "Commissioner" each time such term occurs therein and inserting in lieu thereof "Secretary".

Amendments to Strengthen Title XI of the National Defense Education Act of 1958

Sec. 202. Title XI of the National Defense Education Act of 1958 is amended—

(1) by inserting after the title the following: "PART I—GENERAL";

(2) by striking out the word "title" in section 1102 and inserting in lieu thereof the word "part"; and

(3) by adding at the end thereof a new part as follows:

"Part II—International affairs

"International Affairs Institutes for Secondary School Teachers

"Sec. 1111. There are authorized to be appropriated \$3,500,000 for the fiscal year ending June 30, 1967, and \$6,000,000 for the fiscal year ending June 30, 1968, to enable the Commissioner to arrange through contracts with institutions of higher education for the establishment and operation of short-term or regular-session institutes for teachers in secondary schools in order to give them a broader understanding of international affairs. Any such arrangement may cover the cost of the establishment and operation of the institute with respect to which it is made, including the cost of grants to the staff of travel in the foreign areas, regions, or countries with which the subject matter of the field or fields in which they are or will be working is concerned, and the cost of travel of foreign scholars to enable them to teach or assist in teaching in such institute and the cost of their return, and shall be made on such conditions as the Commissioner finds necessary to carry out the purposes of this section.

"Stipends

"Sec. 1112. The Commissioner is authorized to pay stipends to any individual to study in a program assisted under the provisions of this part upon determining that assisting such individual in such studies will promote the purpose of this part. Stipends under the provisions of this section may include

allowances for dependents and for travel to and from the place of residence."

Amendments to Mutual Educational and Cultural Exchange Act of 1961

Sec. 203. (a) Section 102(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452) is amended (1) by striking the period at the end of clause (9) and substituting a semicolon and the word "and"; and (2) by adding at the end thereof a new clause as follows:

"(10) promoting studies, research, instruction, and other educational activities of citizens and nationals of foreign countries in American schools, colleges, and universities located in the United States by making available to citizens and nationals of less developed friendly foreign countries for exchange for currencies of their respective countries (other than excess foreign currencies), at United States embassies. United States dollars in such amounts as may be necessary to enable such foreign citizens or nationals who are coming temporarily to the United States as students, trainees, teachers, instructors, or professors to meet expenses of the kind described in section 104(e)(1) of this Act."

(b) Section 104 of the Mutual Educational and Cultural Exchange Act of 1961 is amended by adding at the end thereof a new subsection as follows:

"(g)(1) For the purpose of performing functions authorized by section 102(b)(10) of this Act, the President is authorized to establish the exchange rates at which all foreign currencies may be acquired through operations under such section, and shall issue regulations binding upon all embassies with respect to the exchange rates to be applicable in each of the respective countries where currency exchange are authorized under such section.

"(2) In performing the functions authorized under section 102(b)(10) of this Act, the President shall make suitable arrangements for protecting the interests of the United States Government in connection with the ownership use, and disposition of all foreign currencies acquired pursuant to exchanges made under such section.

"(3) The total amount of United States dollars acquired by any individual through currency exchanges under the authority of section 102(b)(10) of this Act shall in no event exceed \$3,000 during any academic year.

"(4) An individual shall be eligible to exchange foreign currency for United States dollars at United States embassies under section 102(b)(10) of this Act only if he gives satisfactory assurances that (A) he will devote essentially full time to his proposed educational activity in the United States and will maintain good standing in relation to such program; (B) he will return to the country of his citizenship or nationality prior to coming to the United States and will render such public service as is determined acceptable for a period of time determined reasonable and necessary by the government of such country; and (C) he will not apply for an immigrant visa or for permanent residence or for a nonimmigrant visa under the Immigration and Nationality Act after having received any benefits under such section for a period of time equal to the period of study, research, instruction, or other educational activity he performed pursuant to such section.

"(5) As used in section 102(b)(10) of this Act, the term 'excess foreign currencies' means foreign currencies, which if acquired by the United States (A) would be in excess of the normal requirements of departments, agencies, and embassies of the United States for such currencies, as determined by the President, and (B) would be available for the use of the United States Government under applicable agreements with the foreign country concerned."

(c) Section 105 of the Mutual Educational and Cultural Exchange Act of 1961 is amended by adding at the end thereof a new subsection as follows:

"(g) Notwithstanding any other provision of this Act, there are authorized to be appropriated for the purposes of making currency exchanges under section 102(b)(10) of this Act, not to exceed \$10,000,000 for the fiscal year ending June 30, 1968, and not to exceed \$15,000,000 for the fiscal year ending June 30, 1969."

Extending the Benefits of the Loan Insurance Program Under Title IV-B of the Higher Education Act of 1965 to Students Studying Abroad

Sec. 204. The second sentence of section 435(a) of the Higher Education Act of 1965 is amended by inserting after "Such term" the following: "includes any institution outside the States which is comparable to an institution described in the preceding sentence and which has been approved by the Commissioner for the purposes of this title, and".

TITLE III—STUDY BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Authorization for a Study on Ways To Reduce the Drain From Developing Countries of Professional Persons and Skilled Specialists Whose Skills Are Urgently Needed

Sec. 301. (a) The Secretary of Health, Education, and Welfare shall conduct a study and investigation to determine (1) the total number of individuals who enter the United States from developing countries annually to further their education, and who remain in the United States; (2) the reasons for their failure to return to their home countries; and (3) means of encouraging the return of such individuals to the countries of their last residence or nationality, so they may put their education and training to work in the service of their homelands.

(b) The Secretary of Health, Education, and Welfare shall report to the President and to the Congress as soon as practicable on his findings and conclusions together with such recommendations for any legislation he deems desirable to encourage the return of such individuals to such countries.

(c) It is hereby authorized to be appropriated the sum of \$50,000 for the purpose of carrying out this study.

TITLE IV—AUTHORIZATION FOR USE OF CERTAIN LAND AS RECREATION AREA

Authorization

Sec. 401. Notwithstanding the provisions of the Act of April 29, 1876 (19 Stat. 41; 40 U.S.C. 214) and the provisions of the Act of July 31, 1946 (60 Stat. 718; 40 U.S.C. 193a-193i), the Architect of the Capitol is authorized to permit the Board of Commissioners of the District of Columbia to operate for recreational purposes only, and without any improvement to said land, that part of the United States Capitol Grounds known as Square 732 in the District of Columbia, bounded by Independence Avenue Southeast, Second Street Southeast, C Street Southeast, and First Street Southeast, and intersected by Carroll Street, for such period of time as said land is not required for building or other purposes by the Architect of the Capitol.

INTERNATIONAL EDUCATION

Mr. MORSE. Mr. President, this bill, H.R. 14643, is returned to us from the House of Representatives in the identical form that it passed the Senate on October 13 with the exception of section 205. This section amends title VII of the Public Health Service Act to authorize direct student loans to students studying outside the United States at a school of medicine, osteopathy, dentistry, or optometry approved by the Secretary of Health, Education, and Welfare.

Section 205 was dropped by the House without prejudice and solely for jurisdictional reasons without reference to the merits of the provision. In the Senate, the Labor and Public Welfare Committee has jurisdiction over both health and education matters. However, the House Committee on Education and Labor exercises no jurisdiction over health. Since section 205 amends a health law and normally comes within the area of responsibility of the House Committee on Interstate and Foreign Commerce, the House Committee on Education and Labor dropped it from the bill.

It is anticipated that the Senate Labor and Public Welfare Committee will have an opportunity during the next session to consider the provisions of section 205 as part of an appropriate health measure. I have discussed this with Senator JAVITS, the sponsor of section 205, and he is satisfied, interposes no objections, and supports H.R. 14643 as it now comes to us.

Mr. President, one final word. In passing this bill, it is not, of course, the intention of either the Senate or the House to finance the education of foreign students in foreign countries.

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

Mr. MORSE. I yield.

Mr. JAVITS. First, Mr. President, I should like to express to the Senator from Ohio [Mr. LAUSCHE] our thanks for allowing us to proceed with this matter when he was entitled to the floor. I told him I would take only a minute. This I intend to do.

It is true that without any regard to the merits we must drop the section providing for direct loans for U.S. medical school students studying abroad. I agree with that. However, the bill is a landmark, because, for the first time, it recognizes where our country stands with respect to the need of international affairs education so we can carry out our enormous responsibilities as a first-rate power.

The bill contains amendments which I had the honor to sponsor.

First, it provides for what we may call a reverse Fulbright program, so that we can, to a limited extent, help students in those underdeveloped countries where we do not have surplus local funds who wish to study here, including those whom their governments wish to aid to study in the United States. By use of their local currencies, which can then be exchanged, they can pay for their expenses over here. Hence, it does not hurt us at all, and will help some thousands of foreign students as part of this so-called reverse Fulbright program.

Second, there was an amendment adopted to title XI of the National Defense Education Act to include in the bill provision for institutes for high school teachers on international affairs, so that our teachers, even at the high school level, may be able to get some concept of international relations and our role in the world.

Finally, there was included guaranteed loans for American students abroad from private sources following the pattern of the domestic program established under title IV of the Higher Education Act.

So it is an excellent bill. What we have had to drop is regrettable, but by no means decisive, and I hope the Senate will accept the House bill, as amended.

Mr. YARBOROUGH. Mr. President, the distinguished Senator from Oregon spoke earlier on the higher education bill, but he is speaking again on another piece of education legislation.

There has been passed, in the 89th Congress, 2d session, more legislation, which originated in the Education Subcommittee, than in the rest of the history of the Congress of the United States combined. The Senator from Oregon has been the architect in writing this legislation and in working out compromises between the House and the Senate.

In addition to the higher education bill, which was passed a short time ago, we now have the international education bill.

The Senator from New York [Mr. JAVITS] brought out one point that is of significance when he said that we ought to be helping with loans American medical students who go to foreign schools. This would be helpful to those students, but the need is underscored by the fact that there are not sufficient opportunities for Americans to attend American medical schools. Twelve percent of American medical students are in foreign universities, because there are not enough American medical schools.

In 1963 we passed the Medical Education Act to help build more medical schools, envisioning 20 new medical schools. Only six have been built. Twenty-one or twenty-two percent of the interns in hospitals are graduates of foreign schools, and 27 percent of the residents are.

By our failure to build enough medical schools, we are denying to American boys and girls the opportunity to fill the gap by training enough physicians to take the place of doctors who are dying and retiring and the additional number needed as a result of the expanding number of Americans.

This bill is a step forward, but I think it is essential that we have provisions in other legislation that will enable American medical students to go to foreign schools to get their medical education.

I repeat, it has been a pleasure to work with the Senator from Oregon on education legislation. It has been my pleasure to work shoulder to shoulder with him since 1958, when I joined in the co-authorship of the National Education Defense Act. It has been my privilege to support all those measures in the subcommittee and on the floor. I think we can be proud of the work of the subcommittee and of the full committee in bringing to the floor measures which could be enacted into law, bills that have done so much to strengthen education in the primary schools, the secondary schools, the junior and senior colleges.

Mr. MORSE. Mr. President, I thank the Senator from Texas for his generosity. I have already expressed on many occasions my appreciation for the help Senator YARBOROUGH has been to me as chairman of the subcommittee and as manager of the bill.

Mr. President, the record speaks for itself. The Senator from Texas and the Senator from Oregon have never differed on these matters. We have given our complete support to the objectives of these pieces of legislation. It is that kind of support I have received in the committee that makes it possible for us to report this bill and other education bills.

However, I want to say that the person who deserves the major credit for the bill before us today is the President of the United States. I want the record to show that this bill carries out the objective of the President. The President recognizes the importance of our dealing with an international education program, first by providing support for our graduate and undergraduate institutions here in this country, and for developing the programs, the curriculums, and the personnel necessary to make it possible for us to attack the major problems we face in the field of education abroad. There are many problems abroad, but this is a major one.

When the President called me and asked me to introduce a bill, I will never forget what the President said. The President pointed out the direct relationship between peace and literacy. How right he is. When we proceed today to enact this education bill, in my judgment we are striking a blow for world peace, because as we prepare ourselves to bring literacy to the world, we increase the chances, in my judgment, of mankind living in peace. Out of literacy will come that support for the programs that are necessary to improve the economic standards of the masses of the people of the world, who, because of their illiteracy are or have been victims of communism and other forms of totalitarianism.

So although the President's original program was not the bill in the form in which we are passing it today, the bill in the form in which we are passing it today carries out the major objective of the President. But come next year, let me announce to the Senate today, so that it will be a matter of record, a bill will be introduced to expand the program, once the institutions in this country develop the curriculums and the personnel necessary to make it possible for us to attack educational problems abroad, including the problem of illiteracy.

There is one item I wish I could report, but cannot report. I wish I could report that the Committees on Appropriations of the two Houses have agreed to include in the supplemental appropriation bill money with which to enable this program to be started. The authorization bill provides for \$1 million. It provides for the appointment of a National Advisory Council whose April 30th report to the Congress should outline the international education programs scheduled to start July 1, 1967.

I was advised this morning—and it is sad to contemplate—that the Appropriations Committees have eliminated any funds for the financing of the National Advisory Council. The bill before us calls for a report of the council's plans by April 30, 1967. But a program cannot be started at all if the National Advisory Council cannot begin its work.

I cannot speak for the President, but I am willing to take judicial notice, because of the President's dedication to the cause of the bill, that undoubtedly, either in the state of the Union message or in a special message to Congress in January, he will make his plea for the funds, so that we can get on with the job. It may not be possible, let the legislative history show, to have the National Advisory Council created by the bill submit its report by April 30, 1967, because we are denying the Council an opportunity to work in November and December 1966. It may be possible, with great effort on their part, to submit the report anyway; but Congress should know that although we pass the bill today, it is a bill which will have no financing. I hope that at an early date in January, through the intervention of the President by way of recommendations for immediate funds, a supplemental appropriation can be made, so that the President may create the Council, because he is the one who will appoint it, and the Council may get on with its work.

Mr. President, I ask unanimous consent that at this point in my remarks there may appear a brief table containing the authorization of the conference bill.

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

H.R. 14643—International Education Act of 1966—Conference bill

	[In millions]		
	1967	1968	1969
Sec. 105 (grant programs) (study)-----	\$1	\$40	\$90
Sec. 111 (institutes)-----	3.5	6	----
Sec. 203 (currency exchange)-----	-----	10	15
Sec. 301 (foreign student study)-----	.05	----	----

Mr. MORSE. Now, before I make the motion that the Senate concur, I have a little personal message from my friend from Ohio. I do not only wish to join the Senator from New York in thanking him for yielding to us, so that we could get this very important privileged matter taken care of by the Senate, but I have whispered to him that as soon as I get the bill passed—

Mr. LAUSCHE. The Senator from Oregon will never finish.

Mr. MORSE. I shall slip down to the restaurant and get him a cigar—and I promise him it will not be a Cuban cigar.

Mr. President, I move that the Senate concur in the amendment of the House of Representatives to the Senate amendment.

The motion was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the motion of the Senator from Oregon was agreed to.

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

The motion to lay on the table was agreed to.

CONFERENCE OF SOCIALIST SCHOLARS

Mr. LAUSCHE. Mr. President in the September 19 issue of Barron's magazine, there appears an article written by

Alice Widener. This particular article is an excerpt of a paper which she had previously written. The title of the article is "East-West Ballrooms—A Report on the Second Conference of Socialist Scholars." I shall read excerpts from the article, and later ask that the entire piece be printed in the RECORD.

Alice Widener states:

While ordinary out-of-towners were registering at the reception desk in the main lobby of the Hotel Commodore in New York City, Friday evening, September 9, 1966, more than two thousand members of the Old and New Left were registering at tables set up in ballroom floor hallways to attend the Second Annual Conference of Socialist Scholars.

There were no TV cameras around to film the arrival from London of White-bearded Marxist zealot Isaac Deutscher, invited by the Socialist Scholars to open the conference with a discourse "On Socialist Man." Nor were any cameras turned on 54-year-old Victor Perlo, identified in Congressional hearings as a member of a Soviet espionage ring while he was in U.S. Government employ during World War II.

She further notes that Communist Herbert Aptheker, age 51, was present. She goes on to state:

For some reason, it seems that nowadays communications media report only the effects of the Leftist radicals' activities—on the bloody race riots, street demonstrations—

Is the Senator calling me?

The PRESIDING OFFICER. The Senate will be in order.

Mr. LAUSCHE. I had better read this paragraph again:

For some reason, it seems that nowadays communications media report only on the effects of the Leftist radicals' activities—on the bloody race riots, street demonstrations, and acts of civil disobedience—but (though most meetings, like this one, are publicly announced), avoid the gatherings where plans for such activities are hatched.

Mrs. Widener, continuing, states that the speaker, Deutscher, made the following statement:

The whole trouble with the world—said Deutscher—is that "unsocial private property disunites society." There is no need, he said, for man to concern himself with "an ultimate metaphysical purpose" in his existence. "Socialist man," he ranted, "will be exempt from worship and awe."

I suppose he meant exempt from worship and awe at the thought of the Lord.

Further he is quoted as saying:

After fatherhood has come to be regarded only as biological, and "paternal authority" as a mere social institution to be destroyed, the "bourgeois form of the patriarchal family" will be obliterated.

The family will be obliterated because there will be no justification for it, was the effect of what Deutscher said to those 1,200 Socialist scholars assembled in the Commodore Hotel in New York on September 9, 1966.

The article continues:

At the Socialist Scholars' discussion of "poverty and powerlessness," panelist James Houghton, director of the Harlem Unemployment Center, ranted into the microphone on the dais:

"Specifically, yes, the welfare system is rotten, but so is the whole American system rotten. You can't look anywhere in this country and see anything but rotteness . . . Wherever the American octopus

reaches out its tentacles, there you will find exploitation, cruelty, poverty, mass impoverishment." Dr. Houghton called for "revolutionary change, not reforms." The applause in the ballroom was deafening.

Houghton's impassioned speech followed a paper presented by Prof. Richard A. Cloward of Columbia.

I ask my fellow Senators to pay special attention to what Cloward said, what he advised, and how his advice was carried into execution, with the cameras, the televisions, and the radios all there, to portray to the people of the Nation what happened.

I read further from the article:

Houghton's impassioned speech followed a paper presented by Prof. Richard A. Cloward of Columbia, whose work in sociology has greatly influenced the scandal-ridden, multi-million dollar Mobilization for Youth program in New York City, as well as the multi-billion dollar federal Poverty Program. Dr. Cloward is also a member of Citizens Crusade Against Poverty.

Written with associate sociologist Frances Piven of Columbia, Dr. Cloward's paper for the Socialist Scholars opened with a call for a systematic strategy of "irregular and disruptive tactics" among the poor, urging them to overburden city and state governments with their "demands."

Prof. Cloward explained that each welfare "client" in New York City is entitled by law to special benefits for clothing, blankets and the like. He said that in 1965, special city benefits welfare payments amounted to "about \$40 per client," and he called for each welfare client to demand \$100 to \$1,000 in such benefits.

One will wonder why he was advocating concerted action of the poor in increasing their demands upon the Government by asking for from \$100 to \$1,000 of benefits.

I continue to read:

He said there are now 550,000 welfare clients in the city, but that by 1967 there probably will be 600,000.

He went on to say that last month he had participated in "a national conference to organize the welfare recipients movement." Dr. Cloward said that he also had taken a personal part in Wednesday night meetings with welfare clients "week after week, month after month," and that as a result, "Next Monday there will be a demonstration of welfare recipients at City Hall."

Dr. Cloward read his paper to the Socialist Scholars Conference on Saturday afternoon. On Monday night CBS and NBC television newscasts showed the demonstration of screaming welfare recipients that took place right on schedule.

I summarize this last part. Saturday afternoon Cloward addressed the Socialist scholars. He said that he was in conference with welfare recipients on last Wednesday and that they were organized to demonstrate on Monday night.

When Monday night arrived, these welfare recipients were involved in riots and were screaming and protesting in front of the New York City Hall.

While there are many important aspects of this matter, the one that perplexes me the most is that when they met on September 9, with 1,200 of them assembled there, not one word was reported in the news media concerning what was going on. Discussions were had and predictions were made as to what was going to happen on Monday

night. When the riots took place on Monday night, the television cameras were there. Why were they not present when Aptheker and Cloward and Deutscher were speaking in condemnation of our system and foretelling what was going to happen?

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

Mr. LAUSCHE. I yield.

Mr. MURPHY. Mr. President, is the Senator suggesting that in our efforts to maintain order and peace and orderly processes it might be part of the duty of the radio and television media and the press to report the rehearsals which occur before the riots take place so that they can be anticipated and never allowed to occur or that the problem may be taken care of before public welfare is endangered and put in jeopardy, as recently occurred in Oakland, Calif.?

Mr. LAUSCHE. The Senator from California has stated my thinking on the matter. He has stated the thinking of the writer of this column, Alice Widener when she said:

For some reason it seems that nowadays communications media report only on the effects of the leftist radicals' activities—on the bloody riots, street demonstrations, and acts of civil disobedience, but though most meetings like this one are publicly announced, they avoid the gatherings where plans for such activities are hatched.

Is it not mysterious that, when 1,200 Socialist scholars assemble and speeches of the type which have been quoted are made, not one report is made on the "Today" program or on any other television broadcasts, and no report is made of the prediction that was made on Saturday that there would be riots on Monday?

There is complete silence until the riots occur. The media are then there to portray to the world what is supposed to be the riotous and disorderly conditions existing, without telling the world how the plans were hatched and became a reality.

Mr. MURPHY. Mr. President, will the Senator yield further?

Mr. LAUSCHE. I yield.

Mr. MURPHY. Mr. President, in the present status of world affairs and with the tensions existing in the presence of a dangerous trip being made by the Chief Executive of the United States to far-off places in order to bring understanding and peace, would the Senator agree that possibly the prediction of such riots might work to the disadvantage of the efforts being made by the President of the United States and to the disadvantage of all people who are thinking of constructive solutions rather than of a perpetration of further troublemaking?

Mr. LAUSCHE. Unquestionably, the answer is yes. Our country is portrayed as being inhumane, oppressive, and unwilling to recognize the needs of people. This is done by showing the riots.

When others try to appraise our pride in our humanitarian instincts and deeds, all they have to do is to point out that a riot has occurred in New York.

They have the pictures of the riot, but where was it hatched? It was hatched at the Commodore Hotel, with 1,200

scholars of socialism present, and where it was foretold that on Monday night the welfare recipients would be making their attack upon the city hall.

Mr. MURPHY. Will the Senator yield for another question?

Mr. LAUSCHE. Yes, I do.

Mr. MURPHY. Knowing the Senator's background and experience in these matters, would it seem proper to say that this is a technique that was started many, many years ago, in the beginning of World War II, which all America and all the world objected to: the technique of the big lie, the technique of the manufactured circumstance, the technique of the fabricated condition—the riot, if you will; and has not this technique been adopted by the Communists as part of the program of the hoped-for destruction of our way of life; and does not this seem to be a familiar characteristic that the American people, particularly the media, who are experienced in these matters, should recognize and expose, so that the American people and the people around the world might have a truer picture of what actually is the character of America and its people?

Mr. LAUSCHE. The Senator has expressed the situation in far better terms than I am capable of. I merely wish to express my approval of what he has said.

In addition, Alice Widener writes:

The prospects outlined by Dr. Cloward delighted Prof. William Ryan (formerly of Harvard, now of Yale), who described himself as "a radical without portfolio."

This is Prof. William Ryan. Professor Ryan said:

I have been enchanted with the Cloward strategy of blowing a fuse in the welfare agencies, housing developments, and among unmarried mothers. I wonder what would happen if there was a really systematic overload.

Well, the implication is that if you make the overload through demands achieved by demonstrations and riots, Ryan asks what will happen. He implies that he hopes that the revolutionary overturn may come. That is the only deduction that I can make from his statement.

There are several more columns to this article, Mr. President. I shall not attempt to discuss them in detail. I ask unanimous consent that the entire article be printed in the RECORD.

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

THE EAST-WEST BALLROOMS—A REPORT ON THE SECOND CONFERENCE OF SOCIALIST SCHOLARS

While ordinary out-of-towners were registering at the reception desk in the main lobby of the Hotel Commodore in New York City, Friday evening, September 9, 1966, more than two thousand members of the Old and New Left were registering at tables set up in ballroom floor hallways to attend the Second Annual Conference of Socialist Scholars.

The New Left movement in this country is generally described as a spontaneous, amorphous grouping of rebellious youth. It is not. Any observer who attended the conference during the week-end of September 9-11, would have recognized that most members of the New Left are activists who are instigated, controlled and manipulated

by disciplined members of the Communist Party, working in a united front with Marxian ideologists.

There were no TV cameras around to film the arrival from London of white-bearded Marxist zealot Isaac Deutscher, invited by the Socialist Scholars to open the conference with a discourse "On Socialist Man." Nor were any cameras turned on 54-year-old Victor Perlo, identified in Congressional hearings as a member of a Soviet espionage ring while he was in U.S. Government employ during World War II. No well-known reporter was present to interview conference panelist Communist Herbert Aptheker, age 51, now running for Congress in Brooklyn, N.Y., who last year told the First Annual Conference of Socialist Scholars, "Of course, Watts was glorious!"

For some reason, it seems that nowadays communications media report only on the effects of the Leftist radicals' activities—on the bloody race riots, street demonstrations, and acts of civil disobedience—but (though most meetings, like this one, are publicly announced), avoid the gatherings where plans for such activities are hatched.

There was not an empty chair in the 800-seat Windsor Ballroom at the Commodore when the Socialist Scholars and their radical Leftist audience gathered to hear Polish-born Isaac Deutscher of London. He was introduced by Prof. H. H. Wilson, of Princeton University, who described him as "a contributor to *The Economist* and *The Observer*."

When Deutscher went to the rostrum, the audience stood to honor him; they did so again after his address. Deutscher's appearance as the featured guest was illustrative of the "Socialist Unity" of the conference; he is the authentic biographer of Leon Trotsky, but even the Stalinists in the crowd gave him a big hand and the young New Leftists hung on his every word.

The whole trouble with the world—said Deutscher—is that "unsocial private property disunites society." There is no need, he said, for man to concern himself with "an ultimate metaphysical purpose" in his existence. "Socialist man," he ranted, "will be exempt from worship and awe." After fatherhood has come to be regarded only as biological, and "paternal authority" as a mere social institution to be destroyed, the "bourgeois form of the patriarchal family" will be obliterated.

Three main facts emerged clearly from the Second Annual Conference of Socialist Scholars. (1) American Marxists are abandoning their pretense of non-violence for open advocacy of violence; (2) they have successfully linked the American Marxist revolutionary movement with its counterparts throughout the world; (3) they are drunk with success.

At the Socialist Scholars' discussion of "poverty and powerlessness," panelist James Haughton, director of the Harlem Unemployment Center, ranted into the microphone on the dais:

"Specifically, yes, the welfare system is rotten, but so is the whole American system rotten. You can't look anywhere in this country and see anything but rottenness. . . . Wherever the American octopus reaches out its tentacles, there you will find exploitation, cruelty, poverty, mass impoverishment." Dr. Haughton called for "revolutionary change, not reforms." The applause in the ballroom was deafening.

Haughton's impassioned speech followed a paper presented by Prof. Richard A. Cloward of Columbia, whose work in sociology has greatly influenced the scandal-ridden, multi-million dollar Mobilization for Youth program in New York City, as well as the multi-billion dollar federal Poverty Program. Dr. Cloward is also a member of Citizens Crusade Against Poverty, the group organized by Walter Reuther.

Written with associate sociologist Frances Piven of Columbia, Dr. Cloward's paper for

the Socialist Scholars opened with a call for a systematic strategy of "irregular and disruptive tactics" among the poor, urging them to overrun their city and state governments with their "demands."

Prof. Cloward explained that each welfare "client" in New York City is entitled by law to special benefits for clothing, blankets and the like. He said that in 1965, special city benefits welfare payments amounted to "about \$40 per client," and he called for each welfare client to demand \$100 to \$1,000 in such benefits. He said there are now 550,000 welfare clients in the city, but that by 1967 there probably will be 600,000.

He went on to say that last month he had participated in "a national conference to organize the welfare recipients movement." Dr. Cloward said that he also had taken a personal part in Wednesday night meetings with welfare clients "week after week, month after month," and that as a result, "Next Monday there will be a demonstration of welfare recipients at City Hall."

Dr. Cloward read his paper to the Socialist Scholars Conference on Saturday afternoon. On Monday night CBS and NBC television newscasts showed the demonstration of screaming welfare recipients that took place right on schedule. On Tuesday, the New York Daily News reported: "About 500 welfare recipients picketed the Department of Welfare building . . . and staged sitdowns and sit-ins yesterday . . . As police called reinforcements, the demonstrators blocked one of the two entrances to the building and marched along the sidewalk."

The prospects outlined by Dr. Cloward delighted Prof. William Ryan (formerly of Harvard, now of Yale), who described himself as "a radical without portfolio." He said "I have been enchanted with the Cloward strategy of blowing a fuse in the welfare agencies, housing developments, and among unmarried mothers. I wonder what would happen if there was a really systematic overload."

When a member of the audience asked whether Dr. Cloward's strategy is a substitute for "socialist organization of the proletariat, the industrial factory workers," Dr. Frances Piven of Columbia replied from the dais: "I really only want to make one point—the disruption of the system. Welfare rolls will begin to go up; welfare payments will begin to go up—the impact will be very, very sharp. The mounting welfare budget will increase taxes, force cities to turn to the federal government. We have to help people to make claims; for this they will organize and act."

The big press coverage of the welfare recipients' demonstration at City Hall was at the wrong time in the wrong place. NBC and CBS cameras should have been focused on Prof. Richard A. Cloward as he read his scholarly Socialist paper in the ballroom at the Commodore. TV newscasters would have gotten a beat on news about to burst into print. And if the U.S. Attorney General had been present at the Second Annual Conference of Socialist Scholars, he might have obtained useful information about who are the real agitators in our midst.

James Petras of the Free Speech Movement at the University of California at Berkeley described to the audience his recent trips to Latin America and his contacts with Marxist and Communist revolutionary forces there. Petras said that in Latin America today, "revolutionary guerrilla warfare in the countryside fosters citizenship."

All during the Commodore conference, many Socialist Scholars and members of the audience talked openly about their direct contacts with guerrilla leaders in Asia, Africa and Latin America. They discussed recent visits to Havana, Hanoi, Moscow, Prague and other Red capitals.

Like many citizens, I have puzzled over how young campus radicals and academicians manage to travel from continent to

continent with the greatest of ease, often in defiance of State Department regulations and of Passport Division security provisions. At the Second Annual Conference of Socialist Scholars this month, I learned how they do it.

The young radicals travel along the smooth rails of an underground campus shuttle system that transports them, armed with highest academic credentials from sponsoring Socialist professors, from California to Tanzania, from Michigan to guerrilla camps in Peru and Chile, from Massachusetts to African bush rebel enclaves in Mozambique and Angola. Often the bills are footed by tax-exempt foundations.

Robert Fitch, a young radical present at the conference, told friends on Saturday: "I have an appointment Monday morning with someone in the Department of African Affairs at New York University to arrange for a trip to Mozambique to see Mondlane."

"Wonderful!" they said. Dr. Eduardo Mondlane is head of the Mozambique Liberation Front.

During the Socialist Scholars' business meeting on Sunday afternoon in the East Ballroom (at which the notorious Prof. Eugene D. Genovese of Rutgers University presided), there took place in the West Ballroom a meeting of leaders in the Radical Education Project (REP), an enterprise of Students for a Democratic Society (Barron's, January 31, 1966).

REP, headquartered at Ann Arbor, Mich., sent out a letter on August 18, 1966, that stated: "The Socialist Scholars Conference looms as a significant event in the development of the Left in America."

The letter was accompanied by an outline of REP projects. Among them is listed "International Intelligence Network." The ensuing text boasts of a "a network of people in the U.S. and abroad, closely tuned to international events, who will serve the movement as quick, incisive sources of intelligence . . . Such a network, including scholars, journalists, leftist youth leaders, government officials, guerrilla leaders, etc., can provide us with first hand reports and analysis of the action of insurgent movements, the workings of the foreign policy apparatus, kinds of impending developments . . . Already we have contacts in Japan, most European countries, Canada, and with Guatemalan guerrillas, Vietnamese rebels and neutrals, African nationalists and others. These contacts are being extended, and to them we must add American scholars with specialized knowledge and contacts . . . By maintaining regular correspondence with radical groups and scholarship abroad, we can increase the degree of coordination between their work and that of the American movement."

On reading the foregoing, I understand how it happened that Communists parading in the Place Bruckere on May Day in Brussels last year, and "Peace Parade" marchers along Fifth Avenue this year, carried identical effigies of Uncle Sam, identical banners and placards and shouted identical slogans in Flemish, French and English.

The Second Annual Conference of Socialist Scholars in New York City showed conclusively that the American campus-based radical international intelligence network exists and is a threat to the security of the United States. I wish some high-ranking members of our judiciary had been present to hear the Socialist Scholars discuss their new "five year plan" to cooperate with "national revolutionary liberation wars" on three continents to put "unbearable strain" on the U.S. Government "to bring it down."

In the Sunday afternoon panel session on "The Legacy of Negro Slavery," the main paper was delivered by "I would welcome a Vietcong victory." Prof. Eugene D. Genovese, of Rutgers. He urged on American Negroes a policy of black nationalism. In the course of his remarks, Prof. Genovese talked about

Karl Marx's theory of surplus value and said, "We ought to be delighted every time a worker steals something from his plant."

Though Genovese's fellow panelist, Communist Herbert Aptheker, opposed the policy of black nationalism, he agreed with Prof. Genovese's point of view on theft. "There is a whole of difference," said Aptheker, "between the stealing by a worker and the wholesale stealing by General Motors."

The inter-Socialist dispute over Black Nationalism versus Negro-White Radical Unity was fairly sharp but not really antagonistic. Prof. C. Vann Woodward of Yale University commented on the Genovese paper and on Aptheker's remarks, referred to himself as "a liberal," but hastened to add "I identify with Aptheker."

At the Socialist Scholars' business meeting in the East Ballroom, Sunday afternoon, it was decided the conference is to become a permanent, dues-collecting organization. Prof. Genovese was elected President of the Steering Committee for next year. From the dais, Paul Sweezy, gray-haired editor of the radical Monthly Review and a member of the Socialist Scholars steering committee, commented on "the amazing progress we have made since our First Conference at Columbia, last September, progress far beyond our expectations."

Late Sunday afternoon, as the conference neared its end, I looked around at the pastel walls of the ballroom, the crystal chandeliers, the ornate ceiling with classical motifs set in graceful medallions. What bourgeois surroundings for revolutionaries, I thought. The Hotel Commodore, solidly built in the Grand Central commuter complex in the center of Manhattan, is the very symbol of middle class America, the hated enemy of the Socialist Scholars, the constant object of their vituperation, derision, denigration and subversion.

Quietly, I made my way through the crowded aisle in the ballroom. It seemed I was being swept away into the crashing cacophony of the finale in Maurice Ravel's symphonic work, "La Valse," the most prophetic artistic creation of the 20th Century, in which dancers sway gladly in a ballroom with mirrors, candelabra, and doors opening into formal gardens, but are caught in an inexorable force, whirling faster and faster until the floor vanishes beneath their feet, the mirrors splinter, the doors fly off their hinges in the gusts of a terrible wind, and nothing remains but destruction and chaos.

Is this to be the fate of the American society? It will be if the Socialist Scholars and the New Left have their way.

SENATOR BASS BIDS FAREWELL

Mr. BASS. Mr. President, in the closing hours of this session of Congress, and in rounding out a span of 12 years in Congress, I should like to make a few remarks, not to be looked upon necessarily as a George Washington type of address or as a Douglas MacArthur proclamation, but to express my appreciation to the electorate in the State of Tennessee for the privilege of having served these 12 years in both the House of Representatives and the Senate, and to express to my colleagues, particularly in the Senate, having been here for 2 years, my deep appreciation for the courtesies that have been extended to me as a Member of this great body.

Particularly, Mr. President, I wish to express my appreciation to the members of the staff of the Senate—those people who do the backbreaking and sometimes mind-numbing jobs of keeping this body going, or keeping us informed of what is transpiring, and helping us with our

work. I have been associated with many different bodies and organizations, both parliamentary and otherwise, but I know of no body in the world that is better staffed by capable, competent men—from the pages all the way up through the elected officers, the Sergeant at Arms, and the Secretary of the Senate—than those who serve us in the U.S. Senate.

Mr. President, in leaving the Senate, in closing my short span of years here and full service in Congress, I leave with no remorse or regret, but with a sense of appreciation of having served in this great body. I find a great sense of comity among the Members of the Senate and the Members of the House of Representatives. I know of no other place where men of such divergent views can be imbued with the same sense of friendliness and appreciation as is found in this great body.

In the 12 years that I have served in Congress, I have seen probably some of the most serious issues and the most emotional issues come before Congress in all its history, except, perhaps, for a declaration of war. I have seen Members of this body and of the other body deliberate on these great issues although diametrically opposed philosophically, socially, and emotionally. Yet, they expressed their views to each other in opposition, directly and in no uncertain terms; and they still can remain very close personal friends and can have a deep respect for the feelings and the abilities of those with whom they serve. I think that this is a great lesson that could be learned by those whom we represent, not just by those with whom we serve.

I believe that these productive years that I have had the privilege of serving in Congress will have great influence, particularly in the field of domestic and social endeavors of people, as well as in the future of education.

If there is one item I would have to point to and say that I think it has been one of the great programs that has been accomplished, it is that Congress has accepted its responsibility in the field of education. Today we passed the higher education bill. I came to Congress hoping to see this field of endeavor greatly expanded, hoping that the parent Government would assume its responsibility in this field. I am happy to see that this has been done. I hope that future years will see Congress and the Federal Government accept more responsibility in the field of secondary education.

These are some of the thoughts I should like to leave with my colleagues and with those with whom I have served and those who have helped me in my service in the Senate.

With these remarks, Mr. President, on this day, which I anticipate and hope will be the last day of this session, I should like to once again express my appreciation to my colleagues and to the others who have made this life in the Senate very pleasant and, I hope, very productive.

Mr. MORSE. Mr. President, before Senator Bass leaves the floor, I wish to express my thanks to him for the many

services that he has rendered to me while he has been in the Senate.

The Senator mentioned education. As chairman of the Subcommittee on Education, I can say that the record speaks for itself. The Senator from Tennessee has supported the Subcommittee on Education time and time again, as we have sought to take through the Senate the education legislation.

It is his kind of support that makes it possible for the elementary and secondary school children of this country and the college students of this country to enjoy the benefits that they are now enjoying as a result of the passage of legislation that the Senator from Tennessee was so helpful in our having adopted by Congress.

Mr. President, I want the Senator from Tennessee [Mr. BASS] to know that I hope what I say will never rise to plague him in regard to any future activities in the State of Tennessee, but I want him to know that I hope he comes back in due course because I think that the record he has made in the Senate is one that entitles him to future public service for his State in the U.S. Senate. I wish to thank him very much for the many services, and manifestations of friendship that he has extended to the senior Senator from Oregon.

Mr. BASS. I thank the Senator.

ORDER FOR RECESS SUBJECT TO THE CALL OF THE MAJORITY LEADER

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

Mr. BYRD of West Virginia. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, after the distinguished Senator from West Virginia [Mr. BYRD] completes his remarks, and after the distinguished Senator from Oregon completes his remarks, and the conference report on the Departments of Labor and Health, Education, and Welfare appropriations is disposed of, the Senate stand in recess subject to the call of the majority leader.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the 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. 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; that the House receded from its disagreement to the amendments of the Senate Nos. 5, 45, 65, and 70 to the bill and concurred therein, and that the House receded from its disagreement to the amendments of the Senate Nos. 15 and 32 to the bill and concurred therein, each with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 15024) to amend section 8 of the Public Buildings Act of 1959 to authorize the Administrator of General Services to lease certain property in the District of Columbia.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 11631) to amend title 38 of the United States Code to clarify the responsibility of the Veterans' Administration with respect to the training and education of health service personnel, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate numbered 1 and 5 to the bill (H.R. 14347) to liberalize the provisions for payment to parents and children of dependency and indemnity compensation, and for other purposes, and concurred therein; that the House had agreed to certain amendments of the Senate, severally with an amendment, in which it requested the concurrence of the Senate, and that the House had disagreed to the amendments of the Senate numbered 3, 4, 6, 10, 11, and 12 to the bill.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 195. An act for the relief of Sunnyside Seed Farms;

S. 1661. An act for the relief of Samuel C. Nelburg; and

S. 3708. An act to assist comprehensive city demonstration programs for rebuilding slum and blighted areas and for providing the public facilities and service necessary to improve the general welfare of the people who live in those areas, to assist and encourage planned metropolitan development, and for other purposes.

TRIBUTE TO SENATOR A. WILLIS ROBERTSON, OF VIRGINIA

Mr. MORSE. Mr. President, 2 days ago when I was off the floor of the Senate, carrying out my duties as chairman of the Subcommittee on Education in connection with conferences with the House on education bills, several colleagues in the Senate paid tribute to the dedicated public service of our colleague in the Senate, A. WILLIS ROBERTSON.

At this time, I wish to join them, although belatedly, in setting forth in the CONGRESSIONAL RECORD my great respect, high regard, and sincere personal friendship for WILLIS ROBERTSON.

Senator ROBERTSON has served the people of his State and the Nation for 34 years in the Congress of the United States. He served for 14 years in the House and 20 years in the Senate.

While still a boy, he started to become a keen biographic student and authority on the lives, public service record, and philosophy of two great Virginians, Thomas Jefferson and Gen. Robert Lee. I have listened many times to discussions led by Senator ROBERTSON about the

views and records of these two great men in our history. As I have listened to him, the thought passed through my mind many times that I doubted if Senator WILLIS ROBERTSON himself was fully aware of the great imprint made on his own philosophy by Thomas Jefferson and Gen. Robert Lee. The record that Senator ROBERTSON has made in his years of service in the Senate reflects over and over again the influence of these two great Americans on Senator ROBERTSON's own thinking and record of public service.

Senator ROBERTSON is not only a keen historical student of Jeffersonian democracy and of the War Between the States and of the important part the State of Virginia has played in the development of the United States, but he is also a biblical scholar. I have known few men either in or out of the clergy who are as well versed from a scholarly standpoint with the history and development and meaning of the Christian religion. It has been my privilege for many, many years to join with a group of fellow Senators in a breakfast that is held each Wednesday morning in the Vandenberg Room of the Capitol for the purpose of discussing the moral and spiritual obligations of Members of the Senate in their work in the Senate. Senator ROBERTSON has been the leader of many of these breakfast meetings. I always look forward to his scholarly presentation of some lesson in the Bible as he expounds its application to our lives and work as Members of the Senate.

In the ink of indelible statesmanship, Senator ROBERTSON has left his imprint on many pieces of legislation which are now the law of the land. I have worked with him in support of some pieces of legislation and opposed him in regard to others. One of the best tributes I can pay to him and one he richly deserves is that irrespective of whether he was with you or against you in any legislative debate on any issue, he never ceased to be your friend. In my judgment, that is the test of professionalism in one's relations with his colleagues in the Senate.

Furthermore, as chairman of his Senate committee, I have never known him to conceal from me or any other Senator any information available to him which would be helpful to us in our opposing a bill coming out of his committee which he was supporting. He has always recognized that, as chairman of his committee, he owes such a responsibility of giving all the information possible to both sides involved in a controversy on any issue.

I am sure that Senator ROBERTSON would not object to my expressing the following evaluation of him, although he might hold somewhat different definitive views as to the meaning of my descriptive labels. However, as one who is labeled a liberal in American politics, I wish to say that I consider Senator ROBERTSON to be a very sincere and able, conservative statesman.

Many times, I have sat here in the Senate in various debates and had nothing but great respect and high regard for sincere conservatives and for sincere liberals. Their philosophies, in my opinion, are based upon an identical, common

denominator; namely, they vote the way they talk. That is why I have said so many times to American voters, "Don't pay attention to anything a politician ever says to you unless he votes the same way he talks."

WILLIS ROBERTSON always squares his votes with his talk.

Finally, may I say I am a richer man in the most priceless of values, because I have been the beneficiary of Senator ROBERTSON's friendship. Although he is retiring from the Senate at the end of his term, he will never retire from the love and affection of his many friends in the Senate of the United States.

TRIBUTE TO FORMER SENATOR HARRY F. BYRD, SR., OF VIRGINIA

Mr. MORSE. Mr. President, I wish to comment on a great Virginian, and it is a very sad comment for my heart is filled with sadness.

Mr. President, Mrs. Morse and I join with the thousands of people who are saddened by the death of Harry F. Byrd, Sr. We wish to extend Senator Byrd's family our sincere sympathy and our prayers for God's comfort.

Senator Byrd extended to me on many, many occasions advice, assistance and manifestations of friendship which I shall always prize in memory of this great American. His many kindnesses and assistance to me over the years are so personal in connection with our relationship here in the Senate that I do not consider it appropriate to enumerate them.

However, as a great conservative, Senator Byrd held in high respect and tolerant understanding the views of liberal colleagues in the Senate who, from time to time, differed with him on various issues. His brilliant mind always reflected a compassionate understanding of the views of those who sincerely differed with him.

I have often said in conversations about the work of Senator Byrd in the Senate, "He never takes offense at opposition so long as that opposition springs from sincerely held views and expresses itself in keeping with the ethical standards of professional senatorial debating."

One of the most delightful facets of the personality of Harry Byrd was his keen wit and contagious sense of humor. My personal relationships with him were such that we often enjoyed needling each other good naturedly. I remember on one occasion during a rollcall vote involving an issue in the Senate when it was to be expected that Senator Byrd and I would vote on the opposite side, we ended up voting together. I walked over to Senator Byrd's desk and said, "Harry, I doubt if you should go back to Virginia tonight. I think you should stay in your Washington hotel quarters until the people of Virginia can adjust to the fact that you voted with me on this issue." He laughed and said, "WAYNE, I will not have any trouble with this vote, because all I have to say is I voted first on the rollcall."

To his illustrious son, HARRY BYRD, JR., who has succeeded him in the Senate,

I express today not only my sympathy but also say to him that I am sure he will meet the inspiring challenge of the heritage of statesmanship which his father and the people of Virginia have bequeathed to him.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1967—CONFERENCE REPORT

Mr. HILL. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 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. I ask unanimous consent for the present consideration of the conference report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HILL. Mr. President, let me say that the report was unanimously agreed to and signed by all the conferees on the part of the Senate, and all the conferees on the part of the House.

The bill as approved by the committee of conference provides total appropriations of \$10,463,244,500, a decrease of \$10,065,000 from the amount allowed by the Senate, a decrease of \$110,028,000 under the amount allowed by the House, but an increase of \$380,060,000 over the budget estimates for fiscal year 1967.

But the President's budget contemplated several reductions; namely, \$232,800,000 for payments to school districts under Public Law 874, \$11,950,000 for grants to land-grant colleges under the Morrill Act of 1862, as amended, \$157,813,000 for the student loan program under the National Defense Education Act of 1958, as amended, and \$21 million for the student loan programs for medical and health-related students and for nursing students—totaling \$423,563,000, from programs of years' duration, reductions which the Bureau of the Budget, which assessed such reductions, was aware the Congress would not approve.

For the Department of Labor, the total appropriation approved is \$638,220,000, the amount approved by the Senate, but a reduction of \$48 million from the amount approved by the House.

For the Department of Health, Education, and Welfare, the total appropriation approved is \$9,768,060,500, a reduction of \$10,065,000 from the amount allowed by the Senate, a reduction of \$62,028,000 from the amount allowed by the House, but an increase of \$433,320,000 over the budget estimates for fiscal year 1967.

The decreases approved by the Senate, \$48 million, for the Department of Labor were concurred in by the conferees. A decrease of \$950,000 proposed by the Senate for "Salaries and expenses, Bureau of Employment Security" from funds to be derived from the unemployment trust fund was changed to \$250,000, restoring \$450,000 which the Senate had taken from the program for management improvement, and \$250,000 of the \$500,000 which the Senate had taken from the farm labor services program.

The conferees adopted the Senate allowances for the Food and Drug Administration, reductions of \$3,454,000 for salaries and expenses, and \$950,000 for planning of a second laboratory building in the Beltsville area of Maryland.

The Senate proposed total reductions, under the House allowance, of \$46,045,000 for the Office of Education. The conferees restored \$17,875,000 of the Senate reductions, of which \$5,725,000 was for the vocational education program, \$10 million for the higher educational activities, and \$2,150,000 for salaries and expenses for the Office of the Commissioner.

The conferees approved increases for the Public Health Service voted by the Senate as follows: \$1 million for "Chronic diseases and health of the aged" for coronary care units; \$90,000 net for "Community health practice and research" of which \$250,000 was provided for the schools of public health, offset by a decrease of \$160,000 for the President's Council on Physical Fitness; \$1 million for "Control of tuberculosis" for additional project grants; \$500,000 for "Dental services and resources" for the purposes set forth in the committee's report on the bill; \$250,000 for "Occupational health" for research on the causes of pulmonary diseases in coal miners; \$500,000 for "Radiological health" of which \$250,000 is for certain work at the Colorado State University and \$250,000 for protection against the hazards of X-rays; and \$100,000 for the National Library of Medicine for its extramural program.

Of the total Senate increase of \$41 million for the operating programs of the National Institutes of Health, the conferees approved \$35 million, cutting back the \$15 million allowed by the Senate for the artificial heart program of the National Heart Institute to \$10 million. The Senate was forced to recede on its recommended increase of \$25 million for "Grants for construction of health research facilities."

The conferees approved the Senate increase of \$160,000 for "Buildings and facilities, St. Elizabeths Hospital" for planning a facility to house 50 youths apart from the adult patients.

The conferees accepted the increases proposed by the Senate for "Limitation on construction, Social Security Administration" of \$16,959,000, to be derived from the social security trust funds for the building of 42 additional district offices and the purchase of additional land at the headquarters site in Baltimore, Md.

The decreases amounting to \$47,400,000 proposed by the Senate for the Welfare Administration were approved by the conferees.

The increases proposed by the Senate for Gallaudet College, \$35,000 for "Salaries and expenses," and \$20,000 for "Construction," were approved by the conferees.

The conferees restored \$350,000 of the \$531,000 reduction proposed by the Senate for the Office of the Secretary, salaries and expenses.

Mr. President, the Senate added a general provision, section 206, a limitation affecting title VI compliance under the Civil Rights Act of 1964. After prolonged discussion by the managers on the part of the Senate with the Secretary of the Department of Health, Education, and Welfare and members of his staff including the Surgeon General of the Public Health Service, the provision was eliminated, relying upon written assurances given by Secretary Gardner with respect to future handling of alleged noncompliance actions on the part of grantees.

Mr. President, a little later on I shall ask unanimous consent to have a table printed in the RECORD showing the whole story.

Mr. STENNIS. Mr. President, the Senate amendment which was section 206 of title II of the bill was not agreed to in conference and is not now included in the bill.

That amendment provided:

No funds appropriated by this Act shall be used to impose or enforce any requirement and responsibility so far as certified patients are concerned on any hospital or other medical facility as to an individual beneficiary which is contrary to the beneficiary's physical or mental well-being as certified by the attending physician and the chief medical officer of the facility or the acting chief medical officer.

The Senate conferees were firm in their conviction that the policy of the Department of Health, Education, and Welfare should conform to the general provisions of this agreement. For that reason, the Senate conferees continued to insist that this amendment be accepted by the conference committee.

On the other hand, a majority of the House conferees were equally as strong in opposition to the amendment.

The Senate conferees continued to insist upon the amendment until, through a series of conferences with the Secretary of Health, Education, and Welfare, Mr. Gardner, the Surgeon General, Dr. Stewart and their staffs, and in one conference the Acting Attorney General, Mr. Clark, it was agreed in writing that the policy as stated in the amendment would be followed by the Department of Health, Education, and Welfare.

The primary objective of the Senate conferees was to make the policy stated in the amendment also the policy of the Department. Whether that was accomplished by law or by agreement was considered to be secondary so long as the agreement was clear and binding.

Such an agreement has been made by Secretary Gardner and put in writing in a series of three letters dated October 12, 18, and 19. These letters have been made a part of the report of both the House and Senate conferees.

Through this round of conferences and exchange of letters, the Secretary

has agreed to follow the provisions of the amendment and has already put this policy into effect. In addition, he has conceded and clarified some other important points.

Briefly, he has agreed to the following:

First. The Department will permit either attending physicians, the medical staff, or the hospital administrator's designee to make segregated room assignments wherever, in their judgment, there are valid medical reasons or special compelling circumstances that indicate need to segregate a patient on an individual basis.

Second. The Department will disregard patient assignments made in accordance with a medical determination in evaluating the hospital's compliance with the provisions of title 6 of the Civil Rights Act, subject only to the qualification that if it appears over a period of time that segregation is being practiced as a matter of policy by the flagrant misuse of medical determinations, the Department would be obligated to review and make a determination as to whether title VI was being complied with.

Third. Once a hospital has been certified as entitled to participate and to receive payment for services to medicare beneficiaries, its participation in the medicare program or its rights to payment cannot be terminated on civil rights grounds until it has been accorded the opportunity for hearings in accordance with the Administrative Procedure Act, administrative review has been completed, and an adverse decision has lain for 30 days before the appropriate congressional committees.

Fourth. Any hospital which fails to obtain approval to participate in the program and receive payments for services to medicare beneficiaries should be notified in writing of the reasons for such failure to be certified, and the hospital applicant will be given an opportunity to respond in writing and will be given an opportunity for a hearing under the Administrative Procedure Act, and any final decision to deny the application will be delayed until it has lain for 30 days before the appropriate congressional committees.

Fifth. The Department will not establish a system of integration quotas nor will quotas be used in the determination of nondiscriminatory treatment for all persons without regard to race, color, or national origin.

Sixth. The Department will not add new or additional requirements to the guidelines during the remainder of this year.

Seventh. The Department will not include requirements in or interpret the present provisions of the assurance form No. HEW-441, 12-64, to mean that the assurance given in signing this form means also assurance to comply with future requirements imposed by the Department subsequent to the agreement but that the assurance given therein relates only to the regulations in effect at the time the agreement is entered into. It was stated by the Secretary that the Acting Attorney General concurs in this view.

Mr. President, in some respects this agreement goes further than the Senate amendment, and, although it does not have the technical force of law behind them, I am sure the Secretary and others who were parties to the agreement will honor this agreement fully and in good faith.

This agreement was made as we sat across the table from each other. The Senator from Alabama was present, the Senator from Georgia [Mr. RUSSELL] was present, the Secretary of HEW, the Surgeon General, and some of the staff—and I was the remaining conferee. Later, I conferred with the Acting Attorney General, Mr. Clark, on some of the same points.

While the amendment would have the effect of law, it would be in effect for only the balance of this fiscal year. This agreement is not so limited.

In any case, however, it will be but a few months before the entire matter will be before the Senate again, at which time we will have the opportunity to review and evaluate the situation.

If, at that time, there appears to be a need for some adjustment, by law or otherwise, such an adjustment can be made in whatever manner appropriate.

Now, Mr. President, we tried to impress—and I reimpress it now—that policing professional people as to how to operate hospitals which they may own or of which they may have custody, is not an ordinary matter of calling for police methods on like surveillances matters. It cannot be handled on a crash basis or as if one were policing a street in a lawless part of a city.

We found, too, that just to meet the effective date on the medicare program, HEW and the Surgeon General moved in extreme haste it appeared to us, in trying to force the rules on the hospitals in a very limited time. There was no requirement of any law, and no requirement in reason, to have all these hospital regulations and guidelines in operation by the time the medicare payments became effective. In fact, reason and commonsense required the contrary. Personally I think that HEW were given instructions for political reasons, to demand guideline compliance prior to the effective date of medicare payments. Such a policy is to put integration plans ahead of health plans.

By the very nature of things, this is a matter of adjustment to customs and requires a long period of time. I hope, therefore, that those points will be borne in mind hereafter by the Secretary of Health, Education, and Welfare and the Surgeon General who doubtless are being urged to get immediate results and make their demands in toto.

Mr. President, I ask unanimous consent to have the letters referred to from the Secretary of Health, Education, and Welfare, one dated October 12, one October 18, and the other October 19, printed in the RECORD.

I wish to commend as well as thank the Senator from Alabama, the Senator from Georgia [Mr. RUSSELL], the Senator from West Virginia [Mr. BYRD], for their untiring efforts and wise counsel in working on this problem. Further as chairmen of the subcommittee, the Sen-

ator from Alabama is not only fully familiar with the operation of the program, but is alert and concerned as to how this practice had affected the people of Alabama and wanted to protect them.

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

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., October 12, 1966.

HON. LISTER HILL,

HON. JOHN E. FOGARTY,

Managers of the Conference Committee on the Labor-Health, Education, and Welfare and Related Agencies Appropriation Act, Fiscal Year 1967, Washington, D.C.

GENTLEMEN: At your request I have again reviewed Section 206 of the HEW Appropriations Bill (H.R. 14745) as passed by the Senate on September 27. This letter will supplement and clarify my letter of October 7 addressed to each of you, in which I recommend deletion of this section. As indicated in my earlier letter, it is our policy to permit either attending physicians, the medical staff, or the hospital administrator's designee to make segregated room assignments wherever, in their judgment, there are valid medical reasons or special compelling circumstances that indicate need to segregate a patient on an individual basis.

In carrying out the provisions of Title VI of the Civil Rights Act of 1964 during this current fiscal year, you can be assured that I and the staff responsible for this activity at all levels will honor determinations made by physicians that are based on a valid medical reason for making room assignments in a hospital on a segregated basis. We will consider this determination to be conclusive as it applies to a specific patient. We will disregard patient assignments made in accordance with a medical determination in evaluating the hospital's compliance with the provisions of Title VI of the Civil Rights Act subject only to the qualification set forth below.

If it appears that over a period of time segregation is being practiced as a matter of policy by the flagrant misuse of medical determinations, we would be obligated to review and make a determination as to whether Title VI was being complied with.

We share with you the concern that the health of the patient be uppermost in our considerations and we assure you that we will endeavor to administer our responsibilities governed by this policy.

Sincerely,

JOHN W. GARDNER,
Secretary.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., October 18, 1966.

HON. LISTER HILL,

Chairman, Subcommittee on Departments of Labor and Health, Education, and Welfare and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR HILL: I appreciated the opportunity to meet with you and your colleagues to discuss the administration of Title VI of the Civil Rights Act of 1964 as it applies to hospitals. I would like to use this opportunity to confirm our discussions and to summarize the several letters, memoranda, and documents which we have made available to you on this subject.

It is our policy to permit either attending physicians, the medical staff, or the hospital administrators' designees to make segregated room assignments wherever in their judgment there are valid medical reasons or special compelling circumstances that indicate need to segregate a patient on an individual basis.

In carrying out the provisions of Title VI of the Civil Rights Act of 1964 during this current fiscal year, you can be assured that I and the staff responsible for this activity at all levels will honor determinations made by physicians that are based on a valid medical reason for making room assignments in a hospital on a segregated basis. We will consider this determination to be conclusive as it applies to a specific patient. We will disregard patient assignments made in accordance with a medical determination in evaluating the hospital's compliance with the provisions of Title VI of the Civil Rights Act subject only to the qualification set forth below.

If it appears that over a period of time segregation is being practiced as a matter of policy by the flagrant misuse of medical determinations, we would be obligated to review and make a determination as to whether Title VI was being complied with.

We not only have no plans for modifying the regulations or guidelines that pertain to physician determinations but we do not contemplate any other change in regulations or guidelines affecting hospitals for the remainder of this fiscal year under Title VI of the Civil Rights Act.

A hospital's participation in the Medicare program is of course wholly voluntary. The method of effecting participation is the submission of an agreement signed on behalf of the hospital, relating to the acceptance of the Government payments in satisfaction of the hospital's bills to Medicare beneficiaries. Even though the hospital has been found to meet the quality standards of the Medicare program, its agreement is not accepted and countersigned on behalf of the Government unless the hospital has signed also the necessary civil rights assurance and has been found to be in compliance with Title VI of the Civil Rights Act of 1964.

Once a hospital's agreement to participate has been countersigned and returned to the hospital, it is entitled to participate in the program and to receive payment for services to Medicare beneficiaries. If thereafter a question of its compliance with Title VI arises, the hospital continues to be entitled to participate and to receive payment while the various steps outlined in Title VI and our procedural regulations are in process. Once a hospital has received the countersigned agreement, in other words, its participation in the Medicare program or its right to payments cannot be terminated on civil rights grounds until it has been accorded opportunity for hearing in accordance with the Administrative Procedure Act, administrative review has been completed, and an adverse decision has lain for thirty days before the appropriate Congressional committee. An alternative to this procedure would be consideration of a case by the courts rather than use of our administrative procedures. Under such circumstances, payments would of course continue.

Where the hospital's application fails to include the required assurance or the assurance is inadequate on its face or where it appears that the assurances are untrue or not being followed, every effort is made to effect corrective action by voluntary compliance. If this is not successful, the hospital is notified in writing of the reasons action on the application is being deferred. The procedures provide that promptly following the notice of deferral, the applicant will be given an opportunity to respond in writing and will be given an opportunity for a hearing under the Administrative Procedure Act, and that any final decision to deny the application will be delayed until it has lain for 30 days before the appropriate congressional committees. With respect to those instances where voluntary compliance with Title VI of the Civil Rights Act fails and it becomes necessary to go to a hearing, it is estimated that it will take five or six months or longer

to accomplish all of the various procedural steps provided for in the regulations. As you know, we have not had sufficient experience thus far to arrive at a specific period of time but on the basis of other activities where comparable procedures subject to Administrative Procedure Act are used, this would appear to be a reasonable approximation of the necessary time.

You raised questions about the phraseology used in the assurance form and indicated concern that it might be misinterpreted. I am requesting the General Counsel to look into the terminology used on this form. I will keep you informed of the results of this exploration.

We are pleased that it has been possible to enter into agreements with 97 percent of the hospitals, to participate in providing services to Medicare beneficiaries. We are hopeful that the experience of the participating hospitals will encourage the nonparticipating hospitals to take such steps as may be necessary to effect voluntary compliance with Title VI. It is our purpose to extend the benefits of public programs to all of our citizens and to accomplish the purpose of the Civil Rights Act of assuring nondiscrimination in the administration of these programs. It is not our intent to establish a system of quotas but rather to assure nondiscriminatory treatment for all persons without regard to race, color or national origin.

We share with you the concern that the health of the patient be uppermost in our considerations and we assure you that we will endeavor to administer our responsibilities governed by this policy.

Sincerely,

JOHN W. GARDNER,
Secretary.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., October 19, 1966.

HON. LISTER HILL,

Chairman, Subcommittee on Departments of Labor and Health, Education, and Welfare and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR HILL: In my letter to you yesterday dated October 18, 1966, I indicated that I had requested the General Counsel to look into certain terminology used in the assurance form.

I am pleased to report that we have completed the review of one of the aspects of this assurance form which concerned you. You indicated concern that the first sentence of the Assurance (Form No. HEW-441, 12-64) might be interpreted as an agreement not only to comply with the present Regulation but with subsequent modification to this Regulation. General Counsel advises me that it is clear that the assurance relates only to the Regulation in effect at the time the agreement is entered into. The Acting Attorney General concurs in the view.

You also indicated concern with the meaning of the term "immediately" as used in the first paragraph of the Assurance Form. We are exploring the points you have raised as to the interpretation and application of this term. We will be working with the Department of Justice and other relevant officials in this review. We want to respond to your inquiry in a thoughtful and thorough manner and to see that our administration of the Civil Rights Act is uniform and consistent among government agencies and programs. Thus, it will probably take a week or so to complete our consultations and reviews. You can be assured that we will actively pursue this point and inform you of the results of our review as soon as possible.

Sincerely,

JOHN W. GARDNER,
Secretary.

Mr. HILL. Mr. President, the agreement reached—to which the distinguished Senator from Mississippi has referred, which is embodied in the letters from Secretary of HEW Gardner and which appear in full in the conference report—fully meets the purposes and the objectives of the amendment as offered by the Senator from Mississippi. In fact, the agreement gives important commitments beyond the amendment.

Mr. STENNIS. I thank the Senator.

Mr. HILL. I want to strongly commend the Senator from Mississippi on his amendment and the many fine contributions he has made toward getting the agreement which will enable the purposes and the objectives of the amendment to be carried out. The Senator is always the able, dedicated, and dynamic representative of his State and her people.

Mr. STENNIS. I thank the Senator for his very generous words and for his great help on this legislation, as well as that of the Senator from Georgia [Mr. RUSSELL].

Mr. ROBERTSON. I want to commend the distinguished Senator from Mississippi for offering this amendment because while in so many words it is not written into law, the objective has been reached.

This is not an issue just in Mississippi and Virginia alone—although it is vital to both our States—it is a national issue.

For instance, I have in mind a hospital in Lynchburg, Va., where I used to live. The hospital has always been fully integrated, but all the colored leaders in that city wanted this amendment because they did not want to be put in a room with any patient who did not want them in there, when it would be to the detriment of both patients.

This agreement on the part of the Department is a wise one. I hope there will be no finagling in carrying it out, because we have their solemn assurance in writing that they will carry it out.

It means a great deal to the hospital in Virginia and elsewhere, and I shall expect them to do what is necessary.

Mr. STENNIS. I thank the Senator.

Mr. ROBERTSON. Mr. President, we

are always grateful for the bills that are handled by the distinguished Senator from Alabama [Mr. HILL]. He supported this amendment. But for that support, I am not so sure we would have gotten the bill through, because if we had not gotten the amendment, there would have been a long session on it before we would have gotten rid of the issue.

Mr. JAVITS. Mr. President, I refer specifically to the so-called Stennis amendment, which deals with section 206 of the Health, Education, and Welfare appropriation bill, as passed by the Senate on September 27.

It will be remembered, Mr. President, that I staged as much of a fight as anyone humanly could upon the amendment, which I felt would erode the application of title VI of the Civil Rights Act of 1964 to Federal aid to hospitals in respect of permitting a pattern of segregating patients, thereby keeping the hospital segregated, without disqualifying the hospital from getting Federal funds.

That amendment has been deleted. The intention of the Department has been set forth in a letter to the chairman of the committee on this side and to the chairman of the conference committee in the other body, which gives assurance that medical reasons for handling individual cases will be respected. Of course, that has constantly been the policy of the Department of Health, Education, and Welfare.

Mr. President, I shall not endeavor to change or revise what is contained in this letter by any observations I make on the floor. I only wish to serve notice that here is one Senator who will be watching with the greatest care—as I am sure Senator STENNIS will be watching from his point of view—to see that the intent and purpose of title VI is not eroded, jeopardized, and wiped away by the way in which this provision is administered, such as by having so many exceptions as to nullify the purpose and thrust of the law which stipulates that hospitals which get Federal help shall not be segregated.

Mr. President, I pledge myself to that end.

Mr. HILL. Mr. President, I move that the conference report be adopted.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill (H.R. 14745), which was read, as follows:

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 5, 45, 65, and 70 to the bill (H.R. 14745) entitled "An Act 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", and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 15, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "\$198,225,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 32, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "\$100,000 to be available only for the National Conference on Education of the Deaf, \$150,000 to be available only for transfer to the appropriation "Office of the Secretary, Salaries and Expenses" for a comprehensive study of training programs financed in whole or in part with Federal funds".

Mr. HILL. Mr. President, I move that the Senate agree to the amendments of the House to the amendments of the Senate numbered 15 and 32.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

Mr. HILL. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a tabulation setting forth the appropriations for fiscal year 1966, the budget estimates for 1967, the House allowance, the Senate allowance, and the conference agreement for the Departments of Labor, and Health, Education, and Welfare, and related agencies.

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

Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1967, H.R. 14745

Item	Appropriation, fiscal year 1966	Budget estimates, 1967	House allowance	Senate allowance	Conference agreement
TITLE I—DEPARTMENT OF LABOR					
MANPOWER ADMINISTRATION					
Manpower development and training activities.....	\$339,595,000	\$400,044,000	\$400,004,000	\$390,044,000	\$390,044,000
Office of Manpower Administrator, salaries and expenses.....	35,395,800	39,162,000	35,900,000	30,900,000	30,900,000
BUREAU OF APPRENTICESHIP AND TRAINING					
Salaries and expenses.....	7,105,000	8,397,000	8,180,000	8,180,000	8,180,000
BUREAU OF EMPLOYMENT SECURITY					
Limitation on grants to States for unemployment compensation and employment service administration.....	(492,100,000)	(508,950,000)	(508,950,000)	(524,000,000)	(524,000,000)
Advances for employment services.....	10,000,000	23,000,000	23,000,000		
Unemployment compensation for Federal employees and ex-servicemen.....	127,911,100	107,000,000	100,000,000	90,000,000	90,000,000
Trade adjustment activities.....	1,000,000				
Salaries and expenses.....	3,826,100	2,625,000	2,750,000	2,750,000	2,750,000
Transfer from unemployment trust fund.....	(15,640,100)	(19,384,000)	(18,172,000)	(17,222,000)	(17,922,000)
LABOR-MANAGEMENT RELATIONS					
Labor-Management Services Administration.....	8,580,000	8,510,000	8,510,000	8,510,000	8,510,000
WAGE AND LABOR STANDARDS					
Wage and Hour Division.....	21,519,000	22,256,000	22,256,000	22,256,000	22,256,000
Bureau of Labor Standards.....	3,281,500	3,349,000	3,389,000	3,389,000	3,389,000
Women's Bureau.....	871,000	888,000	888,000	888,000	888,000

Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1967, H.R. 14745—Continued

Item	Appropriation, fiscal year 1966	Budget estimates, 1967	House allowance	Senate allowance	Conference agreement
BUREAU OF EMPLOYEES' COMPENSATION					
Salaries and expenses.....	\$4,553,000	\$4,707,000	\$4,707,000	\$4,707,000	\$4,707,000
Transfers from trust funds.....	(64,550)	(65,000)	(65,000)	(65,000)	(65,000)
Employees' compensation claims and expenses.....	48,530,000	44,375,000	44,375,000	44,375,000	44,375,000
BUREAU OF LABOR STATISTICS					
Salaries and expenses.....	19,968,000	20,785,000	20,350,000	20,350,000	20,350,000
BUREAU OF INTERNATIONAL LABOR AFFAIRS					
Salaries and expenses.....	1,219,000	1,230,000	1,230,000	1,230,000	1,230,000
Special foreign currency program.....			75,000	75,000	75,000
OFFICE OF THE SOLICITOR					
Salaries and expenses.....	5,469,000	5,451,000	5,451,000	5,451,000	5,451,000
Transfer from unemployment trust fund.....	(139,000)	(140,000)	(140,000)	(140,000)	(140,000)
OFFICE OF THE SECRETARY					
Salaries and expenses.....	3,580,000	3,685,000	3,685,000	3,685,000	3,685,000
Transfer from unemployment trust fund.....	(140,000)	(140,000)	(140,000)	(140,000)	(140,000)
Federal contract compliance and civil rights program.....	451,000	689,000	1,103,000	1,103,000	1,103,000
President's Committee on Consumer Interests.....		327,000	327,000	327,000	327,000
Activities relating to admission and employment in agriculture of nonimmigrant aliens.....	1,723,000				
Total appropriations, Department of Labor.....	704,577,500	696,480,000	686,220,000	638,220,000	638,220,000
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE					
FOOD AND DRUG ADMINISTRATION					
Salaries and expenses.....	53,079,000	63,454,000	63,454,000	60,000,000	60,000,000
Buildings and facilities.....	5,720,000	4,080,000	4,080,000	3,130,000	3,130,000
OFFICE OF EDUCATION					
Expansion and improvement of vocational education.....	253,441,000	250,791,000	290,041,000	272,291,000	278,016,000
Vocational student loan insurance fund.....	50,000				
Higher educational activities.....	166,300,000	413,900,000	403,900,000	373,900,000	383,900,000
National Teacher Corps.....	9,500,000	32,372,000		7,500,000	7,500,000
Student loan insurance fund.....		3,200,000	3,200,000	3,200,000	3,200,000
Further endowment of colleges of agriculture and the mechanic arts.....	11,950,000		11,950,000	11,950,000	11,950,000
Payments to school districts.....	388,000,000	183,400,000	416,200,000	416,200,000	416,200,000
Assistance for school construction.....	50,078,000	22,937,000	22,937,000	22,937,000	22,937,000
Defense educational activities.....	412,608,000	273,544,000	431,357,000	446,357,000	446,357,000
Educational improvement for the handicapped.....	25,500,000	32,600,000	32,600,000	32,600,000	32,600,000
Research and training.....	70,000,000	80,000,000	80,000,000	70,000,000	70,000,000
Educational research (special foreign currency program).....	1,000,000	1,800,000	1,800,000	1,000,000	1,000,000
Foreign language training and area studies.....	2,000,000	3,500,000	3,500,000	3,000,000	3,000,000
Salaries and expenses.....	29,547,000	41,563,000	39,095,000	33,000,000	35,150,000
Total, Office of Education.....	1,419,974,000	1,338,607,000	1,736,580,000	1,693,935,000	1,711,810,000
VOCATIONAL REHABILITATION ADMINISTRATION					
Grants to States.....	171,310,000	259,060,000	259,060,000	244,060,000	244,060,000
Research and training.....	53,145,000	60,325,000	60,325,000	60,325,000	60,325,000
Research and training (special foreign currency program).....	2,000,000	4,000,000	4,000,000	2,000,000	3,000,000
Grants for correctional rehabilitation study.....	560,000	800,000	800,000	800,000	800,000
Salaries and expenses.....	3,875,000	5,082,000	4,869,000	4,869,000	4,869,000
Transfer from Social Security trust funds.....		(299,000)	(299,000)	(299,000)	(299,000)
PUBLIC HEALTH SERVICE					
Buildings and facilities.....	8,977,000	18,279,000	18,279,000	18,279,000	18,279,000
Injury control.....	4,350,000	5,760,000	5,759,000	5,759,000	5,759,000
Chronic diseases and health of the aged.....	83,088,000	86,659,000	90,614,000	91,614,000	91,614,000
Community health practice and research.....	82,182,000	103,228,000	124,190,000	124,280,000	124,280,000
Trust fund transfer.....	(2,100,000)				
Communicable disease activities.....	40,497,000	44,230,000	44,220,000	44,220,000	44,220,000
Control of tuberculosis.....	15,666,000	20,605,000	20,597,000	21,597,000	21,597,000
Control of venereal diseases.....	10,392,000	10,594,000	10,593,000	10,593,000	10,593,000
Dental services and resources.....	8,383,000	9,196,000	9,193,000	9,693,000	9,693,000
Medical care services.....		10,389,000	10,385,000	10,385,000	10,385,000
Trust fund transfer.....		(3,512,000)	(3,512,000)	(3,512,000)	(3,512,000)
Nursing services and resources.....	19,575,000	25,634,000	25,623,000	25,623,000	25,623,000
Hospital construction activities.....	303,304,000	313,544,000	313,525,000	313,525,000	313,525,000
Construction of health educational facilities.....	90,599,000	160,794,000	160,727,000	160,727,000	160,727,000
Environmental health sciences.....	15,983,000	24,312,000	24,298,000	24,298,000	24,298,000
Air pollution.....	26,662,000	35,577,000	35,561,000	35,561,000	35,561,000
Environmental engineering and sanitation.....	13,842,000	21,971,000	21,963,000	21,963,000	21,963,000
Occupational health.....	5,857,000	6,345,000	6,342,000	6,592,000	6,592,000
Radiological health.....	21,044,000	20,404,000	20,395,000	20,895,000	20,895,000
Hospitals and medical care.....	58,980,000	61,643,000	61,643,000	61,643,000	61,643,000
Foreign quarantine activities.....	7,648,000	8,030,000	8,030,000	8,030,000	8,030,000
National Institutes of Health:					
General research and services.....	60,469,000	67,821,000	68,534,000	68,534,000	68,534,000
National Institute of General Medical Sciences.....	127,188,000	137,175,000	142,613,000	145,113,000	145,113,000
Biologics standards.....	6,806,000	7,905,000	7,904,000	7,904,000	7,904,000
National Institute of Child Health and Human Development.....	55,024,000	61,448,000	61,422,000	64,922,000	64,922,000
National Cancer Institute.....	163,768,000	163,957,000	170,656,000	175,656,000	175,656,000
National Institute of Mental Health.....	232,669,000	253,115,000	258,119,000	264,119,000	264,119,000
National Heart Institute.....	141,462,000	148,407,000	154,770,000	169,770,000	164,770,000
National Institute of Dental Research.....	23,677,000	24,884,000	28,308,000	28,308,000	28,308,000
National Institute of Arthritis and Metabolic Diseases.....	123,203,000	129,908,000	133,687,000	135,687,000	135,687,000
National Institute of Allergy and Infectious Diseases.....	77,987,000	85,702,000	88,670,000	90,670,000	90,670,000
National Institute of Neurological Diseases and Blindness.....	101,153,000	106,418,000	111,296,000	116,296,000	116,296,000
Regional medical programs.....	25,000,000	45,024,000	45,004,000	45,004,000	45,004,000
Subtotal, National Institutes of Health.....	1,138,406,000	1,231,764,000	1,270,983,000	1,311,983,000	1,306,983,000

Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1967, H.R. 14745—Continued

Item	Appropriation, fiscal year 1966	Budget estimates, 1967	House allowance	Senate allowance	Conference agreement
PUBLIC HEALTH SERVICE—continued					
Construction of community mental health centers.....	\$50,000,000	\$50,000,000	\$50,000,000	\$50,000,000	\$50,000,000
Grants for construction of health research facilities.....	56,000,000	21,000,000	56,000,000	81,000,000	56,000,000
Scientific activities overseas (special foreign currency program).....	5,000,000	19,217,000	19,217,000	10,000,000	10,000,000
National health statistics.....	7,230,000	9,312,000	9,312,000	9,312,000	9,312,000
National Library of Medicine.....	9,685,000	19,231,000	20,092,000	20,192,000	20,192,000
Retired pay of commissioned officers (indefinite).....	(8,020,000)	(8,977,000)	(8,977,000)	(8,977,000)	(8,977,000)
Office of the Surgeon General, salaries and expenses.....	6,648,000	8,207,000	8,069,000	7,648,000	7,888,000
Total, Public Health Service.....	2,089,998,000	2,345,925,000	2,445,610,000	2,505,412,000	2,475,622,000
FEDERAL WATER POLLUTION CONTROL ADMINISTRATION					
Building and facilities.....		4,624,000	4,624,000	4,624,000	4,624,000
Water supply and water pollution control.....	45,142,000	55,439,000	55,439,000	55,439,000	55,439,000
Grants for waste treatment works construction and sewer overflow control.....	141,000,000	173,000,000	173,000,000	173,000,000	173,000,000
ST. ELIZABETHS HOSPITAL					
Salaries and expenses (indefinite).....	(10,280,000)	(8,078,000)	(8,953,000)	(8,953,000)	(8,953,000)
Buildings and facilities.....	1,977,000	2,138,000	2,138,000	2,298,000	2,298,000
SOCIAL SECURITY ADMINISTRATION					
Limitations on salaries and expenses.....	(488,341,000)	(587,438,000)	(586,483,000)	(586,483,000)	(586,483,000)
Limitation on construction.....	(15,048,000)	(26,250,000)	(26,250,000)	(43,189,000)	(43,189,000)
Payment to trust funds for health insurance for the aged.....	125,800,000	832,947,000	832,947,000	832,947,000	832,947,000
Payment for military service credits.....	105,000,000	105,000,000	105,000,000	105,000,000	105,000,000
WELFARE ADMINISTRATION					
Grants to States for public assistance.....	3,603,000,000	3,746,400,000	3,746,400,000	3,700,000,000	3,700,000,000
Assistance for repatriated U.S. nationals.....	452,000	460,000	460,000	460,000	460,000
Bureau of Family Services, salaries and expenses.....	6,948,000	8,295,000	7,890,000	7,890,000	7,890,000
Grants for maternal and child welfare.....	187,000,000	228,900,000	228,900,000	228,900,000	228,900,000
Children's Bureau, salaries and expenses.....	4,840,000	5,331,000	5,331,000	5,331,000	5,331,000
Juvenile delinquency and youth offenses.....	6,750,000	8,207,000	8,207,000	8,207,000	8,207,000
Cooperative research or demonstration projects.....	1,882,000	3,150,000	3,150,000	2,650,000	3,150,000
Research and training (special foreign currency program).....	1,200,000	2,090,000	2,090,000	1,500,000	1,500,000
Office of the Commissioner, salaries and expenses.....	1,292,000	1,589,000	1,522,000	1,522,000	1,522,000
ADMINISTRATION ON AGING					
Salaries and expenses.....	7,500,000	10,300,000	10,275,000	10,275,000	10,275,000
SPECIAL INSTITUTIONS					
American Printing House for the Blind.....	1,000,000	1,027,500	1,027,500	1,027,500	1,027,500
National Technical Institute for the Deaf.....	420,000	491,000	491,000	491,000	491,000
Freedmen's Hospital, salaries and expenses.....	4,624,000	5,193,000	5,193,000	5,193,000	5,193,000
Gallaudet College, salaries and expenses.....	2,301,000	2,485,000	2,485,000	2,520,000	2,520,000
Gallaudet College, construction.....	384,000	50,000	50,000	70,000	70,000
Howard University, salaries and expenses.....	11,198,000	13,344,000	13,344,000	13,344,000	13,344,000
Howard University, construction.....	2,920,000	3,342,000	3,342,000	3,342,000	3,342,000
OFFICE OF THE SECRETARY					
Office of the Secretary, salaries and expenses.....	3,789,000	4,983,000	7,531,000	7,000,000	7,350,000
Transfer from OASI trust fund.....	(501,000)	(646,000)	(1,249,000)	(1,249,000)	(1,249,000)
Office of Audit, salaries and expenses.....	3,493,000	4,477,000	4,477,000	4,477,000	4,477,000
Transfer from OASI trust fund.....	(510,000)	(678,000)	(678,000)	(678,000)	(678,000)
Office of Field Administration, salaries and expenses.....	1,785,000	1,980,000	1,980,000	1,980,000	1,980,000
Transfers.....	(1,631,000)	(1,780,000)	(1,780,000)	(1,780,000)	(1,780,000)
Surplus property utilization.....	1,073,000	1,093,000	1,093,000	1,093,000	1,093,000
Office of the General Counsel, salaries and expenses.....	1,591,500	1,803,000	1,780,000	1,780,000	1,780,000
Transfers.....	(1,115,000)	(1,335,000)	(1,330,000)	(1,330,000)	(1,330,000)
Educational television facilities.....	8,826,000	3,304,000	3,304,000	3,304,000	3,304,000
Total, direct appropriations, Department of Health, Education, and Welfare.....	8,082,848,500	9,312,685,500	9,812,158,500	9,760,195,500	9,750,130,500
Indefinite appropriations.....	18,300,000	17,055,000	17,930,000	17,930,000	17,930,000
Total, direct and indirect appropriations, Department of Health, Education, and Welfare.....	8,101,148,500	9,329,740,500	9,830,088,500	9,778,125,500	9,768,060,500
TITLE III—NATIONAL LABOR RELATIONS BOARD					
Salaries and expenses.....	28,713,100	30,442,000	30,442,000	30,442,000	30,442,000
TITLE IV—NATIONAL MEDIATION BOARD					
Salaries and expenses.....	2,077,000	2,085,000	2,085,000	2,085,000	2,085,000
TITLE V—RAILROAD RETIREMENT BOARD					
Limitation on salaries and expenses.....	(11,725,000)	(11,175,000)	(11,175,000)	(11,175,000)	(11,175,000)
Payment for military service credits.....	16,558,000	17,201,000	17,201,000	17,201,000	17,201,000
TITLE VI—FEDERAL MEDIATION AND CONCILIATION SERVICE					
Salaries and expenses.....	6,725,000	7,100,000	7,100,000	7,100,000	7,100,000
TITLE VII—INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN					
Contribution to Interstate Commission on the Potomac River Basin.....	5,000	5,000	5,000	5,000	5,000
TITLE VIII—U.S. SOLDIERS' HOME					
Limitation on operation and maintenance.....	(7,222,000)	(7,433,000)	(7,433,000)	(7,433,000)	(7,433,000)
Limitation on capital outlay.....		(3,575,000)	(3,575,000)	(3,575,000)	(3,575,000)
TITLE IX—FEDERAL RADIATION COUNCIL					
Salaries and expenses.....	166,000	131,000	131,000	131,000	131,000
Grand total.....	8,859,970,100	10,083,184,500	10,573,272,500	10,473,309,500	10,463,244,500
Consisting of—					
Direct appropriations.....	8,841,670,100	10,066,129,500	10,555,342,500	10,455,379,500	10,445,314,500
Indefinite appropriations.....	18,300,000	17,055,000	17,930,000	17,930,000	17,930,000

Mr. HILL. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HILL. Mr. President, I thank the Senator from West Virginia [Mr. BYRD], who so graciously and kindly yielded his right to the floor so that we might proceed to the adoption of the conference report. Once again he has indicated his wonderful cooperation and courtesy.

Mr. BYRD of West Virginia. I thank the Senator, and, in the words of Alexander Pope, may I say to him, "Thou wert my guide, philosopher, and friend."

GUIDELINES FOR FEDERAL WELFARE PAYMENTS

Mr. BYRD of West Virginia. Mr. President, Members of Congress have expressed on the floor their concern regarding the tenor, the trend, the thrust, and the meaning of recent guidelines issued by the Department of Health, Education, and Welfare, dealing with hospital care and education.

On March 18, 1966, the Bureau of Family Services of the Welfare Administration of HEW sent to all State agencies administering approved public assistance plans, handbook transmittal No. 77, entitled "Methods for Determination of Eligibility."

This transmittal supersedes Federal Handbook IV-2200-2241 dated July 31 and becomes effective July 1, 1967. The State plan amendments implementing these requirements for each program must be submitted to regional offices by each State no later than April 1, 1967, as State plan approval will be necessary prior to release of the grants for the quarter beginning July 1, 1967, the effective date of the requirements. The transmittal letter indicates that the material is limited to conformity—to requirements for State plans and the interpretation of those requirements.

I feel that the ambiguous terminology used in these HEW provisions is such that, if interpreted literally, it could lead to the disbursing of public moneys to persons not entitled to them, while others who may be far more needy will have to go without support. I believe that vagueness and lack of clarity of these guidelines are such that the door is opened for a wide variety of interpretations, making for a capricious application depending on individual reading.

To demonstrate: Sections IV-2220 and 2230, items 5a and 5c, make it mandatory to rely on the individual as the primary source of information, supplemented if necessary by information from public records and limiting the verification of conditions of eligibility to those "reasonably necessary" to assure that expenditures under the program will be legal.

Mr. President, the Welfare Administration is refusing to face realities.

The Comptroller General of the United States, on July 26, 1962, stated,

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after a careful investigation of the aid to dependent children public assistance cases in the District of Columbia:

Reliance cannot be placed on the caretaker-relatives (parents or other relatives of specified relationship) to inform the Public Assistance Division of the actual conditions or circumstances which have a bearing on the recipients' eligibility for financial assistance.

The Comptroller General, on July 30, 1962, stated, in a special report on the same investigation:

The investigation definitely disclosed that reliance cannot be placed on the ADC mothers to reveal the actual conditions or circumstances which have a bearing on the recipients' eligibility for financial assistance.

Mr. Scholz, Chief of Public Assistance at the time, stated in the Senate Appropriations Subcommittee hearings for the District of Columbia 1963 budget:

We tried to create a public image that the social worker is not a snoop who looks under the bed and in the closet, but is, as one well-known training film put it, a friend at the door. And, as a result, a relationship has been built up which is not realistic, where the social worker, as the Society Security (Welfare) Administration puts it, uses the clients, the applicant, as the primary source of information. And we find this information is not reliable.

In spite of this strong evidence against the reliability of the recipient, sections 2220 and 2230, items 5a and 5c, state that it is ordinarily unnecessary to consult sources of information other than the recipient. How illogical can one be?

The GAO found, in many investigated cases, concealed resources, concealed employment and the allegedly missing employed father of the children actually living in the home with the recipient. Yet, the handbook can be so interpreted that nearly all investigations by the caseworker or by the investigator, to determine the facts about the recipient's eligibility, would be abolished.

Item 5a emphasizes reliance on applicants and recipients as the primary source of information "supplemented if necessary by information from public records."

Public records have been established as the basis for any number of fiscal and other procedures in this country, and their use is considered to be consistent with the citizen's constitutional rights. Why, then, is the use of public records to be considered only as a, more or less, last resort in the case of welfare recipients? Are their constitutional rights different from those of other citizens? Should not they be treated in the same way as other citizens?

Every taxpayer of the United States must be prepared to furnish proof that the information furnished in his tax return is correct and properly substantiated. Social security funds and Veterans' Administration funds are dispensed only if the recipient's title to such funds has been properly established. Should the same principles not also govern the expenditures of funds to welfare recipients?

Public welfare applicants and recipients do not have established records such as Social Security or Veterans' Administration claimants have. It is, therefore, necessary for the Welfare De-

partment to establish the necessary proofs of eligibility for each of its claimants. Redetermination of eligibility must be made periodically at intervals no longer than 3 months in AFDC-UP, 6 months in other ADFC cases, and 12 months in the other categories. HEW recognizes the possibility of frequent changes or it would not require such periodic redeterminations of eligibility. On the other hand, it ties the hands of the State agencies trying to assure the legality of expenditures.

What is meant by the expression "public records"? Are court records considered in that category? What about real estate records or school records? Not all individuals have access to such records so they would not ordinarily be considered as "public records." I discussed this point with the Secretary of Health, Education, and Welfare and his staff, and it was agreed that a definition of the term "public records" was necessary.

Item 5c limits the "verification of conditions of eligibility to what is reasonably necessary to assure that expenditures under the program will be legal."

"Reasonably necessary" is a very vague term when related to the legality of expenditures of public funds.

Just what is reasonably necessary? Does this mean that, if the dispensing agency or worker is 25-percent convinced the expenditure will be legal, this is sufficient? Or does the agency or worker have to be 50-percent convinced the expenditure will be legal? Or 75, 80, or 95 percent? It would appear to me that there can be no question that an expenditure is either legal or illegal. There can be no no man's land. Verification of conditions of eligibility must be conducted to the point necessary—and not "reasonably necessary," or any other vague description—or else the entire program is a giveaway of public funds without evidence of need or entitlement to anyone wishing to avail himself of free handouts and who is able to present a convincing story in interviews with the agency social workers. Without a doubt, under this proposed system, the convincing talker, the smooth operator, will receive a bigger share of welfare moneys than will the quiet person not as well able to describe his situation of need. It must be obvious, if the States are to administer a program of welfare properly and be held accountable for the expenditures made under the program, that verification of conditions of eligibility must be to the point necessary.

Section 2230, item 5c, states:

Reliance on the applicant (and public records) as the primary source of information will ordinarily make it unnecessary to consult other sources of information. The agency should take no steps in the exploration of eligibility to which the applicant does not agree, including contact with collateral sources. When information is sought from collateral sources, there should be clear interpretation of what information is desired, why it is needed, and how it will be used. Agencies should not rely on a "blanket" consent for outside contacts, but should obtain specific consent for each contact, whether with social agencies, doctors, hospitals, and similar resources, or with relatives or other individuals.

The consent should cover the purpose of the contact as well as the individual or agency to be consulted.

Mr. President, it will be impossible for a public agency to conduct the investigations necessary to assure that expenditures under the program will be legal if the agency cannot make collateral visits and contacts without specific consent for each and every visit and contact. For example, under this provision it would be impossible for the agency to check on a complaint that the recipient has concealed her employment, or that he or she is operating a roominghouse if the recipient said he or she would not give permission. How could the recipient be prosecuted for fraud if the agency cannot check on the employment? Why should not the applicant or recipient give a blanket consent for outside contacts? What could possibly happen if the applicant or recipient is telling the truth? A blanket consent can always be withdrawn. However, such blanket consent would permit the agency to prove fraud or misrepresentation or overpayment during the time the recipient was receiving public assistance.

If specific consent is interpreted literally, it would mean the worker must contact the recipient, or have the recipient contact him, for each separate phase of the investigation necessary to establish eligibility. Such trips to the home of the recipient, or to the office by the recipient, would be very time consuming and costly in terms of overall production.

I can see no disadvantage to an honest recipient's giving blanket consent to allow the agency to make the checks it deems necessary to assure that the recipient is, and continues to be, eligible.

Again, let us not forget that we are dealing with expenditures of public moneys collected from the citizens of the United States through taxes and that these funds must be administered carefully and with the interest of all citizens in mind. All due precaution must, therefore, be taken that only those truly in need receive these payments. We must make certain that the needy are protected from infringement by the dishonest and the indolent who would rob them of their subsistence.

It is proper at this point, I think, Mr. President, to digress briefly to reflect upon the question, Where would the District of Columbia ADC caseload be today were it not for the work done in ferreting out the ineligible?

The AFDC random sample investigation began in November 1961. What had been happening to the caseload prior to this investigation instituted by the Senate?

From July 31, 1958, to June 30, 1959, the AFDC caseload increased from 3,177 to 3,835. By June 30, 1960, it had increased to 4,578. In the next year it had risen to 5,481, and the caseload reached its highest peak—5,628 cases—in November 1961, the month the random sample investigation started. This investigation, plus the addition of investigators, decreased the AFDC caseload until in October 1963 it was 3,823, its lowest point since May 1959. The need

for even more investigators was apparent and the Senate Appropriations Subcommittee added them to the District of Columbia budget requests for 1964. This was approved by the Senate but knocked out on a technicality in a Senate-House conference. Without the additional investigators, the AFDC caseload has gradually crept back up, and by August 31, 1966, had reached a total of 4,769 cases. But where would it have been without investigators?

Between July 31, 1958, and November 1961, the ADC caseload increased from 3,177 to 5,628 cases—in other words, 2,451 cases in a period of slightly over 3 years. This would be an average of 800 cases per year.

Projecting this average increase of 800 cases annually over the years from November 1961 to the present, we would have experienced an increase roughly, of 4,000 cases, which, when added to the 5,628 cases on the November 1961 ADC caseload, would be something like 9,600 cases. In other words, instead of there being 4,769 ADC cases on August 31, 1966, there would have been 9,600 cases, or, roughly, double the current ADC caseload.

A similar situation would obtain with regard to the general public assistance program.

The average length of time for cases receiving assistance has also been reduced. In January 1965, the arithmetic average length of time an AFDC case had been on assistance was 50 months. In January 1966, this average had been reduced to 43 months.

It would appear that the continuing need for securing facts necessary to determine eligibility and continuing eligibility of welfare recipients is indubitably obvious.

Another paragraph in the proposed provisions, section 2230, item 1, states:

States must especially guard against violations in such areas as entering a home by force, or without permission, or under false pretenses, making home visits outside of working hours, and particularly making such visits during sleeping hours; and searching in the home, for example, in rooms, closets, drawers, or papers, to seek clues to possible deception.

This paragraph is particularly poorly designed combining, as it does, acts which no welfare department should permit, such as "entering a home by force," with other features which welfare departments should allow and which are necessary such as making home visits outside of working hours.

Again, in this paragraph, we find vague, ambiguous terminology—whose "working hours," the welfare recipient's, or the agency's, or the social worker's? Whose "sleeping hours," the client's, or the social worker's? What are the working hours or the sleeping hours referred to? People are known to have varying living habits. Does this mean a client may, perhaps, be visited only between 10 a.m. and 12 noon, not visited during possible afternoon nap hours, and then again during a couple of hours in the afternoon?

In the District of Columbia Welfare Department, investigators work from 8:15 a.m. to 10 p.m. Would these

hours fall within the provision of normal working hours? Would the interpretation exclude a social worker working nights or Saturdays or Sundays on a voluntary or an overtime basis and making home visits during these periods? Such situations do arise when it becomes necessary to work at different hours of the day or night.

What is wrong with looking at the rooms and in the closets with permission of the client? Many violations of eligibility were found by the General Accounting Office in doing just that. It is unfortunate, but very true, that employed husbands and fathers were found to be hiding in bedrooms and closets—hiding, I might say, to conceal the fact that they were not absent or had not deserted as claimed by their wives in deceiving the Welfare Department to receive public assistance.

How could this be interpreted as a violation of a recipient's constitutional rights or an invasion of privacy so long as his consent was given?

The recipient has every constitutional right not to let anyone in her home, but the welfare agency has the right, under its eligibility requirements, to deny to the recipient any further assistance because of her refusal to permit the determination of her actual living conditions. Those who administer the programs must assure that people in need—the aged, the sick, the disabled, the deserted children—receive the moneys when they are eligible. But, they must also, with the same vigor and zeal, insure that the ineligible, the cheaters, the freeloaders, the dishonest, and the indolent are kept from the rolls or removed from the rolls when found. The Administration must always vigorously insist that public moneys not be wasted. This should always be our goal, but it is even more important now in view of current world involvements of the United States.

The points I have discussed are some of the more flagrant among the ambiguities and excessive restrictions, and my enumeration of them is not to imply that they are exclusive of others.

Because of my concern with this matter, I wrote, on June 30, 1966, to the Secretary of the Department of Health, Education, and Welfare about some of the areas I have discussed. On July 1, 1966, in my office, I conferred with the Secretary and members of his staff regarding Handbook Transmittal No. 77. They agreed that certainly some of the items discussed needed clarification. Among other points, I urged that the ambiguous terminology used in handbook transmittal No. 77, dated March 18, 1966, be amended or clarified in the following respects: First, that verification of conditions of eligibility to the point necessary be permitted; second, that the restriction "outside of working hours" be removed or at least clarified to permit home visits to continue as at present; third, that continued inspections in the home, for example, in rooms, closets, and so forth, to seek clues to possible deception be allowed with permission of the client; fourth, that the provision against "blanket" consent be withdrawn, and that the agency be permitted to make

collateral visits and contacts without special consent for each and every visit and contact; and fifth, that reliance on the individual as a primary source of information concerning eligibility not be mandatory.

Secretary Gardner expressed understanding of my position and stated that the matter would be further considered. The Secretary and his staff agreed to get back in touch with me. To date this has not been done.

Upon my recommendation, therefore, the Senate Appropriations Committee, in its report on the 1967 appropriations bill for the Departments of Labor, and Health, Education, and Welfare and related agencies, stated:

In view of the open end authorization for public assistance funds, and to insure maximum utilization of Federal funds for the people for whom they were authorized, the committee strongly urges the Department in its guidelines to direct the States that thorough checks, including inspection of the premises, with permission of the client, are required in all determinations of eligibility for public assistance cases receiving matchable funds to uncover unreported resources and other factors affecting eligibility, and to determine the true living conditions and resources of public assistance clients.

Mr. President, Edward V. Sparer, legal director, center on social welfare policy and law, the Columbia University School of Social Work, wrote an article entitled "Social Welfare Law Testing," which appeared in the April 1966 issue of the *Practical Lawyer*. I call attention to portions of that article. Mr. Sparer says:

Among the functions of the legal division of the Center on Social Welfare Policy and Law of The Columbia University School of Social Work is service as a social welfare law testing resource for legal aid attorneys and others who are giving free representation to welfare clients.

Mr. Sparer also says:

An unusual opportunity now exists to afford expanded legal recourse to social welfare clients as a result of the increasing attention given by government antipoverty programs to legal services for the poor; that past experience indicates such legal service efforts tend to become inundated with the problems of representing a mass clientele, and can be helped by special assistance in the development of test cases involving complex issues of social welfare law;

The general issues upon which the Center is prepared to extend its maximum aid—including brief writing, research, consultation on appropriate strategy, etc.—to attorneys representing social welfare clients have been selected by an advisory committee of outstanding law and social work professors of Columbia University.

Below we state and thereafter briefly describe 10 issues—or, more correctly, areas of public assistance law concerning which we are particularly interested in rendering assistance to attorneys. These issues are:

The "man-in-the-house" rule and its variations;

"Midnight raids," early morning visits, and other privacy and illegal search issues;

Settlement and residence laws in various forms;

Maximum family grants;

Relatives' liability;

Certain work-relief practices and statutes;

Use of penal measures to impose standards of morality upon welfare clients;

The present scope of discretionary (or arbitrary) decision-making as it affects entitlement;

Fair procedure and due process in welfare administration;

Federal requirements on uniform application of state plans for public assistance.

The members of the Center's advisory committee are not here taking a personal position as to the appropriate legal resolution of any of the issues described.

Here, Mr. President, we see government-paid lawyers of one government agency attacking the policies, procedures, and personnel of another government agency. Why should we not give the welfare departments adequate legal staff so that they can defend themselves? How utterly absurd and wasteful have we become. Is there some other purpose behind this?

Let us examine another article. Richard Cloward and Frances Fox Piven wrote an article titled "A Strategy To End Poverty," which appeared in the May 2, 1966, issue of the *Nation*.

Who are Mr. Cloward and Mrs. Piven? Mr. Cloward is professor of social work, and Mrs. Piven is a research associate, both at the Columbia University School of Social Work, where Mr. Sparer is also employed.

What views were expressed by Mr. Cloward and Mrs. Piven? I shall quote from the May 2 article:

How can the poor be organized to press for relief from poverty? How can a broad-based movement be developed and the current disarray of activist forces be halted? These questions confront, and confound, activists today. It is our purpose to advance a strategy which affords the basis for a convergence of civil rights organizations, militant anti-poverty groups and the poor. If this strategy were implemented, a political crisis would result that could lead to legislation for a guaranteed annual income and thus an end to poverty.

The strategy is based on the fact that a vast discrepancy exists between the benefits to which people are entitled under public welfare programs and the sums which they actually receive.

The discrepancy is not an accident stemming from bureaucratic inefficiency; rather, it is an integral feature of the welfare system which, if challenged, would precipitate a profound financial and political crisis. The force for that challenge, and the strategy we propose, is a massive drive to recruit the poor onto the welfare rolls.

The distribution of public assistance has been a local and state responsibility, and that accounts in large part for the abysmal character of welfare practices.

Public welfare systems try to keep their budgets down and their rolls low by failing to inform people of the rights available to them; by intimidating and shaming them to the degree that they are reluctant either to apply or to press claims, and by arbitrarily denying benefits to those who are eligible.

A series of welfare drives in large cities would, we believe, impel action on a new federal program to distribute income, eliminating the present public welfare system and alleviating the abject poverty which it perpetrates. Widespread campaigns to register the eligible poor for welfare aid, and to help existing recipients obtain their full benefits, would produce bureaucratic disruption in welfare agencies and fiscal disruption in local and state governments. These disruptions would generate severe political

strains, and deepen existing divisions among elements in the big-city Democratic coalition: the remaining white middle class, the white working-class ethnic groups and the growing minority poor. To avoid a further weakening of that historic coalition, a national Democratic administration would be constrained to advance a federal solution to poverty that would override local welfare failures, local class and racial conflicts and local revenue dilemmas. By the internal disruption of local bureaucratic practices, by the furor over public welfare poverty, and by the collapse of current financing arrangements, powerful forces can be generated for major economic reforms at the national level.

The ultimate objective of this strategy—to wipe out poverty by establishing a guaranteed annual income—will be questioned by some. Because the ideal of individual social and economic mobility has deep roots, even activists seem reluctant to call for national programs to eliminate poverty by the outright redistribution of income. . . . many of the contemporary poor will not rise from poverty by organizing to bargain collectively. They either are not in the labor force or are in such marginal and dispersed occupations (e.g., domestic servants) that it is extremely difficult to organize them. Compared with other groups, then, many of today's poor cannot secure a redistribution of income by organizing within the institution of private enterprise. A federal program of income redistribution has become necessary to elevate the poor en masse from poverty.

The right to income must be guaranteed, or the oppression of the welfare poor will not be eliminated. Because benefits are conditional under the present public welfare system, submission to arbitrary governmental power is regularly made the price of sustenance. People have been coerced into attending literacy classes or participating in medical or vocational rehabilitation regimes, on pain of having their benefits terminated. Men are forced into labor on virtually any terms lest they forfeit their welfare aid. One can prize literacy, health and work, while still vigorously opposing the right of government to compel compliance with these values.

Conditional benefits thus result in violations of civil liberties throughout the nation, and in a pervasive oppression of the poor.

In order to generate a crisis, the poor must obtain benefits which they have forfeited. Until now, they have been inhibited from asserting claims by self-protective devices within the welfare system: its capacity to limit information, to intimidate applicants, to demoralize recipients, and arbitrarily to deny lawful claims.

Ignorance of welfare rights can be attacked through a massive educational campaign. Brochures describing benefits in simple, clear language, and urging people to seek their full entitlements, should be distributed door to door in tenements and public housing projects, and deposited in stores, schools, churches and civic centers. Advertisements should be placed in newspapers; spot announcements should be made on radio.

Leaders of social, religious, fraternal and political groups in the slums should also be enlisted to recruit the eligible to the rolls. The fact that the campaign intended to inform people of their legal rights under a government program, that it is a civic education drive, will lend it legitimacy.

But information alone will not suffice. Organizers will have to become advocates in order to deal effectively with improper rejections and terminations. The advocate's task is to appraise the circumstances of each case, to argue its merits before welfare, to threaten legal action if satisfaction is not given. In some cases, it will be necessary to

contest decisions by requesting a "fair hearing" before the appropriate state supervisory agency; it may occasionally be necessary to sue for redress in the courts. Hearings and court actions will require lawyers, many of whom, in cities like New York, can be recruited on a voluntary basis, especially under the banner of a movement to end poverty by a strategy of asserting legal rights. However, most cases will not require an expert knowledge of law, but only of welfare regulations; the rules can be learned by laymen, including welfare recipients themselves (who can help to man "information and advocacy" centers). To aid workers in these centers, handbooks should be prepared describing welfare rights and the tactics to employ in claiming them.

Advocacy must be supplemented by organized demonstrations to create a climate of militancy that will overcome the invidious and immobilizing attitudes which many potential recipients hold toward being "on welfare." In such a climate, many more poor people are likely to become their own advocates and will not need to rely on aid from organizers.

As the crisis develops, it will be important to use the mass media to inform the broader liberal community about the inefficiencies and injustices of welfare. For example, the system will not be able to process many new applicants because of cumbersome and often unconstitutional investigatory procedures (which cost 20¢ for every dollar disbursed). As delays mount, so should the public demand that a simplified affidavit supplant these procedures, so that the poor may certify to their condition. If the system reacts by making the proof of eligibility more difficult, the demand should be made that the Department of Health, Education and Welfare dispatch "eligibility registrars" to enforce federal statutes governing local programs. And throughout the crisis, the mass media should be used to advance arguments for a new federal income distribution program.

The idea of "welfare rights" has begun to attract attention in many liberal circles.

To generate an expressly political movement, cadres of aggressive organizers would have to come from the civil rights movement and the churches, from militant low-income organizations like those formed by the Industrial Areas Foundation (that is, by Saul Alinsky), and from other groups on the Left. These activists should be quick to see the difference between programs to redress individual grievances and a large-scale social-action campaign for national policy reform.

The plan has the extraordinary capability of yielding mass influence without mass participation, at least as the term "participation" is ordinarily understood. Mass influence in this case stems from the consumption of benefits and does not require that large groups of people be involved in regular organizational roles.

Moreover, this kind of mass influence is cumulative because benefits are continuous. Once eligibility for basic food and rent grants is established, the drain on local resources persists indefinitely.

The ultimate aim of this strategy is a new program for direct income distribution. What reason is there to expect that the federal government will enact such legislation in response to a crisis in the welfare system?

We ordinarily think of major legislation as taking form only through established electoral processes. We tend to overlook the force of crisis in precipitating legislative reform, partly because we lack a theoretical

framework by which to understand the impact of major disruptions.

By crisis, we mean a *publicly visible* disruption in some institutional sphere. Crisis can occur spontaneously (e.g., riots) or as the intended result of tactics of demonstration and protest which either generate institutional disruption or bring unrecognized disruption to public attention. Public trouble is a political liability: it calls for action by political leaders to stabilize the situation. Because crisis usually creates or exposes conflict, it threatens to produce cleavages in a political consensus which politicians will ordinarily act to avert.

The electoral context which made crisis effective in the South is also to be found in the big cities of the nation today. Deep tensions have developed among groups comprising the political coalitions of the large cities—the historic stronghold of the Democratic Party. As a consequence, urban politicians no longer turn in the vote to national Democratic candidates with unfailing regularity. The marked defections revealed in the elections of the 1950s and which continued until the Johnson landslide of 1964 are a matter of great concern to the national party. Precisely because of this concern, a strategy to exacerbate still further the strains in the urban coalition can be expected to evoke a response from national leaders.

A crisis in public welfare would expose the tensions latent in this attenuated relationship between the ghetto vote and the urban party leadership, for it would thrust forward ghetto demands and back them with the threat of defections by voters who have so far remained both loyal and quiescent.

In the face of such a crisis, urban political leaders may well be paralyzed by a party apparatus which ties them to older constituent groups, even while the ranks of these groups are diminishing. The national Democratic leadership, however, is alert to the importance of the urban Negro vote, especially in national contests where the loyalty of other urban groups is weakening. Indeed, many of the legislative reforms of the Great Society can be understood as efforts, however feeble, to reinforce the allegiance of growing ghetto constituencies to the national Democratic Administration. In the thirties, Democrats began to put forward measures to circumvent the states in order to reach the big-city elements in the New Deal coalition; now it is becoming expedient to put forward measures to circumvent the weakened big-city mayors in order to reach the new minority poor.

Recent federal reforms have been impelled in part by widespread unrest in the ghetto, and instances of more aggressive Negro demands. But despite those signs that the ghetto vote may become less reliable in the future, there has been as yet no serious threat of massive defection. The national party has therefore not put much pressure on its urban branches to accommodate the minority poor. The resulting reforms have consequently been quite modest (e.g., the war against poverty, with its emphasis on the "involvement of the poor" is an effort to make the urban party apparatus somewhat more accommodating).

A welfare crisis would, of course, produce dramatic local political crisis, disrupting and exposing rifts among urban groups. Conservative Republicans are always ready to declaim the evils of public welfare, and they would probably be the first to raise a hue and cry. But deeper and politically more telling conflicts would take place within the Democratic coalition. Whites—both working-class ethnic groups and many in the middle class—would be aroused against the ghetto poor, while liberal groups, which until recently have been comforted by the notion that the poor are few and, in any event, receiving the

beneficent assistance of public welfare, would probably support the movement. Group conflict, spelling political crisis for the local party apparatus, would thus become acute as welfare rolls mounted and the strains on local budgets became more severe. In New York City, where the Mayor is now facing desperate revenue shortages, welfare expenditures are already second only to those for public education.

If this strategy for crisis would intensify group cleavages, a federal income solution would not further exacerbate them. The demands put forward during recent civil rights drives in the Northern cities aroused the opposition of huge majorities. Indeed, such fierce resistance was evoked (e.g., school boycotts followed by counter-boycotts), that accessions by political leaders would have provoked greater political turmoil than the protests themselves, for profound class and ethnic interests are at stake in the employment, educational and residential institutions of our society. By contrast, legislative measures to provide direct income to the poor would permit national Democratic leaders to cultivate ghetto constituencies without unduly antagonizing other urban groups, as is the case when the battle lines are drawn over schools, housing or jobs. Furthermore, a federal income program would not only redeem local governments from the immediate crisis but would permanently relieve them of the financially and politically onerous burdens of public welfare—a function which generates support from none and hostility from many, not least of all welfare recipients.

What is being proposed by the authors of the two articles is a crisis, a revolution, a destruction of established systems. One must wonder who or what ideology will benefit by the carrying through to their conclusion of the ideas and goals expressed by the writers.

We have but to look around to see that some of the ideas have been accepted or are being advocated. Look at Handbook Transmittal No. 77 and other HEW releases and views.

Let us examine a situation here in the District of Columbia. Neighborhood Legal Services, antipoverty lawyers, sued the Board of Commissioners, the Welfare Department, and some of its officials and investigators on behalf of two welfare recipients and on behalf of all others similarly situated. Who was also of counsel? Mr. Edward V. Sparer. The suit was for declaratory and injunctive relief. The attorneys contended that the constitutional rights of recipients were violated, particularly their rights under the first, third, fourth, fifth, and ninth amendments to the Federal Constitution. They wanted the U.S. District Court in Washington, D.C., to have all investigators either receive the express consent of recipients for entry into their homes—which they contend is being given now, but not voluntarily—or obtain a search warrant before they enter the home.

The Department of Public Welfare has specific regulations for investigators, requiring on a visit to the client's home that first, all investigators must identify themselves by showing their identification cards which contain their name, picture, job title, and place of employment. These ID cards are signed both by the investigators and by the Director of Public Welfare; second, all investigators must also identify themselves by stating their name and their title and

that they are employed by the Department of Public Welfare; third, all investigators must request and receive permission from the client or an adult person in the home before entering the home; fourth, all investigators must ask for and receive permission from the client before checking on the living arrangements; and fifth, if permission is refused, the investigator must immediately leave.

Mr. Brewer, Director of Public Welfare in the District of Columbia, filed an affidavit with the District court stating that no employee of his Department is authorized to enter upon the premises of any recipient of any program administered by the Department without having first asked for and received consent from said recipient to enter the premises.

A motion for summary judgment was filed on behalf of the defendants, the District of Columbia Board of Commissioners, and others.

The civil action, docket No. 1447-66, *Patricia A. Smith, et al.*, plaintiffs, v. *the Board of Commissioners of the District of Columbia, et al.*, defendants, was heard in the U.S. District Court for the District of Columbia on October 7, 1966.

The motion of the defendants for summary judgment was granted. The court rendered the following opinion:

OPINION OF THE COURT

The COURT: This is an action brought against the Board of Commissioners of the District of Columbia and the Director and certain other officials of the Department of Public Welfare of the District of Columbia.

The plaintiffs are mothers of children receiving assistance under the provisions for aid to families with dependent children administered by the Government of the District of Columbia through its Department of Public Welfare.

The defendants move for summary judgment.

The gravamen of the action is that investigators employed by the Department of Public Welfare at times used harsh, oppressive, illegal, and humiliating methods in making their investigations as to the question whether a particular recipient of assistance is worthy of that aid.

The Court is of the opinion, first, that it has no jurisdiction over the internal administration of this agency or any other government department. What the Court is asked to do here is to direct how the department should be administered and to do so either by declaratory or injunctive relief, or both.

Second, the Court is of the opinion that the administration of relief funds involves discretion on the part of the agency entrusted with that duty. Relief funds are grants and gratuities. Their payment does not constitute payment of legal obligations that the government owes. Being absolutely discretionary, there is no judicial review as to the manner in which that discretion is exercised.

It must be borne in mind that an individual may not maintain an action to enjoin the day-to-day administration of government functions. That was established in the leading case of *Massachusetts v. Mellon*.

Further than that, the type of relief that is requested here may not be accorded by a court of equity.

This Court may not enjoin a large number of unnamed investigators and instruct them how to conduct their duties under penalty of being punished for contempt of court. The Court would have no means of supervising and determining the day-to-day com-

pliance or failure to comply with such an injunction. Moreover, equity does not enjoin unnamed individuals for equity acts in personam.

It must be borne in mind that counsel for the plaintiffs does not attack the legality or the propriety of the regulations in this action. He contends, however, that the regulations are being violated by various investigators. It must be borne in mind, too, that in connection with the administration of welfare funds the government has a right to make investigations in order to determine that the money is properly spent, is not squandered improvidently, and is not obtained on the basis of misrepresentation. If there is any grievance as to the conduct of any particular investigator the matter should be submitted to the administrative agency. There is no showing that the administrative remedies have been exhausted because if the agency refuses redress appeal can be taken to the Board of Commissioners.

Each of the reasons the Court has just given is in itself sufficient to warrant a granting of the defendants' motion for summary judgment.

The defendants' motion is granted. You may submit an order.

(The hearing stood concluded.)

REPORTER'S CERTIFICATE

Certified as the official transcript of proceedings.

GERALD NEVITT,
Official Reporter.

During the hearing of the civil action, many pertinent observations were made by the Court. Some of these are as follows:

The COURT: Of course nobody has a constitutional right to go on the relief rolls.

Of course the welfare recipients have a perfect right to refuse to submit to an investigation which they consider oppressive, but in that event, on the other hand, the agency has a right to take them off the rolls. In other words, I don't think, and I don't suppose the Corporation Counsel will claim, that investigators of the agency have a right to insist on making the investigation. I presume he will admit, and certainly the Court would hold, that any recipient of welfare funds has a right to decline to submit to investigation, but then the funds can be withheld from him.

Any recipient has a perfect right to slam the door in the face of the investigator. Of course he runs the risk then of being cut off the rolls, but these investigators can always be excluded by the recipient.

I think the agency in charge of relief has a right to say that unless you let our investigator enter your home and look around we will cut you off the roll.

Of course the investigator doesn't have a right to break down the door and go in.

The COURT: What kind of an injunction do you ask this Court to render?

Mr. MARLIN: To enjoin the pattern of conduct of these investigators.

The COURT: Equity doesn't enjoin patterns of conduct; it doesn't enjoin unnamed individuals.

Equity acts in personam.

The COURT: Mr. Marlin, you may proceed.

Mr. MARLIN: Your Honor, one question that was raised before we recessed was the right of an individual to public welfare. I don't know that that is a question that must be decided this morning, but our contention is that if a person is eligible under the

conditions laid down, then that person has a right to welfare.

The COURT: No; welfare is discretionary, of course.

The rules as to eligibility are there to exclude anyone who is not eligible. In other words, relief payments are a gratuity or a grant; they are not a debt, the payment of an obligation. The eligibility rules are intended to exclude certain persons. It doesn't mean that everybody who is eligible has a right to sue for relief if it is refused, for example.

Mr. MARLIN: Well, Your Honor, we would contend, though, that the eligibility rules not only are intended to exclude those ineligible, but also set up standards.

The COURT: That is right, but the administration of relief is discretionary in that it is a grant or gratuity and is not the payment of a legal obligation.

Now you may proceed with your argument. Mr. MARLIN: Your Honor, the next question then becomes whether somebody who applies for public assistance and/or whose application is granted must then surrender other constitutional rights—must surrender constitutional rights that other persons have.

The COURT: I don't think he does. You don't have to argue that he shouldn't be required to surrender constitutional rights. He cannot be compelled to surrender constitutional rights.

Now what particular constitutional rights do you refer to?

Mr. MARLIN: We refer, for example, to the right not to give incriminating evidence to investigators who are employed by the Welfare Department.

The COURT: Oh, no, he has a right to refuse. Of course he cannot be compelled to answer questions, but on the other hand, if he refuses to give the information he can be taken off the relief rolls. For example, we have seen a great deal of discussion on the man of the house rule. Of course that rule is intended to prevent diversion of funds intended for children to the support of an unemployed idle paramour. Suppose a mother of children who are on the relief rolls is asked do you have a man living with you to whom you are not married, and she says I refuse to answer because the answer might incriminate me. They have a right to take her off relief. They cannot require her to answer.

Mr. MARLIN: I think that is one of the questions, Your Honor, whether they do have a right to take her off relief for that.

We are not arguing the right of the Department to police its public monies and find out whether they are going to people who are eligible for them.

The COURT: One of the things they want to know, for example, is whether part of the money given to a particular family where the mother is either separated from the father or is not married, whether she has a paramour living or visiting her who is supported from these relief funds intended primarily for children. They have a right to find that out.

They cannot coerce an answer from her, but they have a right to say, Well, if you don't want to answer probably the answer would be adverse to your interests.

There is a rule of law that in a criminal case you cannot draw an unfavorable inference from the fact that the defendant doesn't testify, but in civil cases you can. In civil litigation if a litigant is asked a question to which he refuses an answer you have a right to infer that his answer would be unfavorable to him. That is a well established principle, Mr. Marlin.

I agree with you thoroughly that unnecessary humiliation should not be extended to a

person unfortunate enough to be on relief, but on the other hand it is reasonable enough to expect the recipient to cooperate.

Mr. MARLIN: Your Honor, because there are so many parties, potential parties, it is very difficult for anyone—and we are probably the only agency, the only legal agency in the city which is set up, funded by public monies, in order to represent the interests of people who otherwise can't afford attorneys.

The COURT: That is another thing that puzzles me, Mr. Marlin. Your agency is a governmental agency in the sense that it is supported by appropriated funds, is it not?

*** it is a strange thing, here are lawyers paid by the government for them to sue other government departments.

Mr. MARLIN: We think it is not only a strange thing, but we think it is something that has been a long time in coming and we think it is a very salutary thing, Your Honor.

The COURT: Well, it is certainly anomalous, Mr. Marlin. It was my understanding that these Neighborhood Legal Councils weren't instituted to sue the government but to give legal advice and legal protection to people who could not afford to hire lawyers. For example, people in disputes with their landlords or in disputes with people to whom they are claimed to owe money and so on, and that is a very salutary and desirable project. In other words, it is the type of work that the Legal Aid Bureau does, only it is brought into the neighborhood.

Mr. MARLIN: That is right, Your Honor.

The COURT: But now you turn around and bring suits against the government. That seems an anomaly to me.

Of course a recipient of public welfare should be treated politely and without humiliation and if an investigator is acting impolitely or brusquely or oppressively he should be reported to the agency. But they do have a right to ask questions, however, in order to ascertain what the situation is.

Mr. MARLIN: We think, Your Honor, as a prelude to asking questions they should inform recipients that they have a right not to answer them, because we think they do have that right.

The COURT: No, no; that applies only to criminal prosecutions.

Mr. MARLIN: Frequently the information gathered from this investigation leads to criminal prosecutions and that is, in fact, Your Honor, one of the threats that is made.

The COURT: You might have a defense to a criminal prosecution there.

That is different. If a criminal prosecution is instituted and there is testimony as to what the defendant said to an investigator, you would have a right, perhaps, to object to the introduction of the testimony if there was no warning given. But for purposes of administering relief, that is a civil matter and in a civil matter you can draw an unfavorable inference from refusing to answer questions.

Mr. President, I believe these excerpts and the decision of the Court should help to clear the air. There has been entirely too much confusion and vagueness in the minds of welfare officials, or at least in the guidelines issued by them. This has certainly been aided and abetted by many in the field of social work, as shown by the documents presented.

It should be obvious to everyone that, in the light of the plethora of statements of irritation, resentment, and alarm by many Members of Congress in recent days concerning hospital and education guidelines promulgated by the Department of Health, Education, and Welfare, Congress must act to reassert its constitu-

tionally ordained coordinate status in a government of checks and balances. Congress should not permit bureaucrats, who are not selected by or responsible to the people, to exercise a full and unchecked rein upon the disbursement of Federal moneys. The omnipotence of the Federal purse is incalculable and virtually beyond comprehension, and it is the responsibility and the duty of Congress, in the fulfillment of its oversight functions, to see that this power is not abused by individuals in the executive branch.

In my judgment, Congress next year should take action to fully explore the constitutionality and the impact of hospital, education, and welfare guidelines and relevant policies of the Department of Health, Education, and Welfare and such an intense study should also be extended to the Job Corps and community action programs administered by the Office of Economic Opportunity. All of these are areas which heretofore have lacked appropriate and deserved scrutiny on the part of the legislative branch, and it is in the highest interest of the taxpayers, and, for that matter, of the programs mentioned, that the Congress take steps to assure itself that the programs involved are being administered properly, efficiently, and within the intent of the law.

Mr. President, I ask unanimous consent to have printed in the RECORD, the following items:

First. Department of Health, Education, and Welfare Handbook Transmittal No. 77, dated March 18, 1966.

Second. The article "Social Welfare Law Testing," from the April 1966 issue of the Practical Lawyer.

Third. The article "A Strategy To End Poverty" from the May 2, 1966, issue of the Nation.

Fourth. The brief filed by the plaintiff in civil action No. 1447-66.

Fifth. The brief filed by the defendants in civil action No. 1447-66.

Sixth. The transcript of the court testimony in civil action No. 1447-66.

Seventh. District of Columbia Department of Public Welfare, Office of Investigations and Collections, memorandum, dated May 27, 1965, entitled "Rules Pertaining to Investigator's Home Visits and Investigator's Conduct."

Eighth. A memorandum prepared by members of my staff reporting on the meeting held in my office, attended by various persons including the Secretary of the Department of Health, Education, and Welfare, on July 1, 1966, to which I have referred in my remarks.

Ninth. An article by Dorothy Gilliam, which appeared in the May 29 issue of the Washington Post, entitled "District of Columbia Tenants Lose Their Fears and Learn To Mobilize for Action."

Tenth. A July 26, 1962, report of the Comptroller General of the United States to the chairmen of the Senate and House Subcommittees on Appropriations for the District of Columbia.

Eleventh. A July 30, 1962, report of the Comptroller General of the United States addressed to me with reference to the investigation of the ADC program in the District of Columbia.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
WELFARE ADMINISTRATION,
Washington, D.C., March 18, 1966.

HANDBOOK TRANSMITTAL No. 77

To: State agencies administering approved public assistance plans.

From: Fred H. Steininger, Director.

Subject: Methods for determination of eligibility, handbook IV-2200.

Material transmitted: IV-2200-2230 (effective 7/1/67).

Material superseded: IV-2200-2241, dated 7/31/63 (effective 7/1/67).

BACKGROUND AND EXPLANATION

The enclosed statement has been developed in response to a long recognized need for a comprehensive statement about methods for determination of eligibility in public assistance programs under the Social Security Act. This is a crucial area of administration, both for achieving the objectives of the programs and for maximum efficiency in administration.

This material is limited to conformity—to requirements for State plans and the interpretation of those requirements. It differs from current Handbook material primarily as follows:

1. It imposes a requirement that the State plan contain policies and procedures for determination of eligibility that are consistent with the objectives of the program and the constitutional and statutory rights of applicants and recipients and that do not violate those rights or the individual's privacy or personal dignity, or harass the individual.

2. It deletes material now in IV-2232 on Federal financial participation. This subject is treated in IV-5514.

3. IV-2220, item 4a clearly establishes a time limit of 30 days for promptness in acting on information about changes that may affect a recipient's eligibility.

4. IV-2220, item 5a and 5c make mandatory a practice now recommended in IV-2241—relying on the individual as the primary source of information; and limiting the verification of conditions of eligibility to those "reasonably necessary to assure that expenditures under the program will be legal."

5. IV-2230, item 5c contains new specific content about obtaining the individual's consent for outside contacts and the way the agency makes such contacts.

SUBMITTAL OF PLAN MATERIAL

All State agencies are required to submit plan material to comply with the enclosed material.

Plan amendments implementing these requirements for each program should be submitted to the appropriate regional office as early as possible, but not later than April 1, 1967, as plan approval will be necessary prior to release of the grants for the quarter beginning July 1, 1967, the effective date of the requirements. Preferably, plan material covering the six plan requirements should be submitted as a unit, as an integral part of the State plan. However, if the State agency, upon review of its current approved plan provisions on determination of eligibility, believes that any of them fully meet one or more of the six plan requirements in the enclosed material, such plan material may be cited in respect to the identified specific plan requirement(s) in IV-2200. This is important so that there is mutual understanding of the identity and content of the plan provisions governing practice under the approved plan with respect to "Methods for Determination of Eligibility."

EFFECT ON OTHER POLICIES

To the extent that other current policies in the Handbook may be inconsistent with the enclosed Handbook statement, when it becomes effective the latter will govern.

INSTRUCTIONS FOR HANDBOOK MAINTENANCE

1. In Part IV, at the top of pages 2200 through 2241-p. 4, dated 7/31/63, put the notation "Remove this page on 7/1/67" with pen-and-ink.

2. In Part IV, insert the enclosed pages immediately following page 2241-p. 4, dated 7/31/63.

3. Make appropriate notation on the Form, Record of Receipt of Handbook Transmittals

PART IV. HANDBOOK OF PUBLIC ASSISTANCE ADMINISTRATION: ELIGIBILITY, ASSISTANCE, AND SERVICES

Methods for determination of eligibility

2200. Methods for Determination of Eligibility.

2210. Provisions of the Act.

Sections 2(a), 402(a), 1002(a), 1402(a), and 1602(a) specify that: "A State plan . . . must . . . (5) provide such methods of administration . . . as are found by the Secretary to be necessary for the proper and efficient operation of the plan;"

Sections 2(a)(10)(B), 2(a)(11)(D), and 1602(a)(13) specify that a State plan under title I or XVI must: "include reasonable standards, consistent with the objectives of this title, for determining eligibility for and the extent of" aid or assistance under the plan.

2220. Requirements for State Plans.

Effective July 1, 1967, a State plan under titles I, IV, X, XIV, and XVI must:

1. Include policies and procedures for determination of eligibility for assistance or other services that are consistent with the objectives of the program, and that respect the rights of individuals under the United States Constitution, the Social Security Act, title VI of the Civil Rights Act of 1964 (see Supplement C), and all other relevant provisions of Federal and State laws, and that will not result in practices that violate the individual's privacy or personal dignity, or harass him, or violate his constitutional rights.

2. Provide that (a) each person who wishes to do so will be given an opportunity to apply without delay for public assistance and other services, (b) prompt action will be taken on each application, and (c) assistance will be given promptly and will continue regularly to all eligible persons until they are found to be ineligible, so long as assistance is being provided under the specific category.

3. Provide that each decision that an applicant for or recipient of assistance or other services is eligible or ineligible will be supported by information in the case record that shows either that all eligibility requirements of the State plan are met or that one or more such requirements is not met.

4. Provide that eligibility will be redetermined in each case where an individual has been determined to be eligible:

a. Through prompt action within a specified time period—no longer than 30 days—after the agency has information which indicates that changes in a recipient's circumstances may affect the amount of assistance to which he is entitled or may make him ineligible.

b. Through regular periodic redetermination at specified intervals, of eligibility factors subject to change—intervals no longer than 3 months in AFDC-UP, 6 months in other AFDC cases, and 12 months in the other categories.

5. Provide that in the process of determination of initial and continuing eligibility:

a. Applicants and recipients will be relied upon as the primary source of information

about their eligibility, after an adequate interpretation of the agency's requirements, and the agency will help them provide needed information, or, if they are unable to do so, because of physical or mental or other difficulties, the agency will obtain the necessary information for them.

b. Each determination of eligibility will include at least one interview with the applicant or recipient, or, if direct contact with him is impractical or would delay case action, with someone acting responsibly for him. Where a declaration form or similar procedure is used, the interview may take place within a reasonable time after determination of eligibility.

c. Verification of conditions of eligibility will be limited to what is reasonably necessary to assure that expenditures under the program will be legal.

d. Applicants and recipients will be notified in writing that assistance has been authorized in a stated amount or that it has been denied or terminated for a specified reason.

6. Include a description of the methods by which the State agency will be kept currently informed about local agencies' adherence to the State's plan provisions concerning the above requirements and to the State agency's procedural requirements for methods for determination of eligibility. (See II-4200 re State-wide operation.)

2230. Interpretation of Requirements.

The above requirements for State plans are considered essential for proper and efficient operation of public assistance programs under the Social Security Act. They reflect the basic principles about the rights and responsibilities of individuals and of governmental agencies in our democracy. They are necessary in order that these rights shall be protected in the determination of eligibility. They are also necessary to achieve the broad objectives of the programs for individuals and families and for society. Public assistance programs based on these requirements will inspire public confidence so that those who are eligible will make appropriate use of the programs and those who do not need them will respect both the agency and those who avail themselves of the agency's assistance and other services.

The following explains the import of the corresponding items in IV-2220:

1. The requirement that a State plan contain policies and procedures for determination of eligibility that are consistent with program objectives and that respect legal rights of individuals and do not violate the individual's privacy or personal dignity, or harass him or violate his constitutional rights, necessitates the testing of each pertinent policy and procedure against those positive and negative criteria. If the program is locally administered with State supervision, the State agency must see that supplementary locally developed procedures are consistent with this requirement.

The prohibition against a State plan containing policies and procedures for determination of eligibility that will result in violation of privacy or personal dignity, that constitute harassment, or that violate constitutional rights, requires careful and continuing attention to practices and procedures that may result in violations of these rights and principles. By way of illustration, States must especially guard against violations in such areas as entering a home by force, or without permission, or under false pretenses, making home visits outside of working hours, and particularly making such visits during sleeping hours; and searching in the home, for example, in rooms, closets, drawers, or papers, to seek clues to possible deception.

2. The general requirement about the application process requires the State agency to take those actions that are necessary to facilitate the exercise of the right to apply

for assistance and other services, for the application process is the first step in determination of eligibility. Such actions include: making arrangements to accept applications without delay, informing applicants about the eligibility requirements and their rights and obligations under the program, and acting promptly on applications. This is a general requirement. Detailed requirements covering the application process are contained in IV-2300.

3. The requirement that the plan provide that decisions on eligibility or ineligibility will be adequately supported and recorded requires that each decision be based on facts—statements about eligibility requirements that have been substantiated by observation, or written records, or other appropriate means.

This requirement should result in the maintenance of case records that will provide a valid basis for accounting for expenditures of public funds, and that will assure the availability of needed information if the applicant or recipient appeals to the State agency for a fair hearing.

4. The requirement that a State plan provide that redetermination of eligibility will be made promptly—at least within 30 days after the agency has available information which suggests the need for redetermination—and at regular intervals no longer than the specified maximum periods, is designed to contribute to efficient administration. This applies when the agency obtains the information during a regular redetermination of eligibility or when providing social services, or when the recipient or another person or agency reports changes in the recipient's situation.

In requiring that a State plan provide that redeterminations of eligibility will be made periodically—at periods no longer than every 3 months in AFDC-UP, every 6 months in other AFDC cases, and every 12 months in the other programs—it is recognized that the situations of families with children are apt to change more frequently than those of recipients of the other categories. The time periods specified are the maximum periods that a State plan may provide for between periodic redetermination of eligibility. This requirement in no way affects the right of the recipient to receive assistance regularly so long as he remains eligible. Hence, failure of the agency to make a periodic redetermination cannot be used as a basis for withholding assistance.

5. The detailed procedural requirements for State plan provisions on methods for determination of eligibility are based on recognition of the rights and obligations of applicants and recipients to be responsible participants in the process and the fact that the objectives of the program can only be achieved through an agency-client relationship based on mutual respect.

a. The requirement that a plan provide that applicants and recipients will be relied upon as the primary source of information regarding their initial and continued claim for assistance does not relieve the agency of the responsibility to recognize the differing capacities of applicants and recipients to discharge their responsibilities to the agency. Some can provide or obtain needed information after the agency explains what information is needed; others will need specific directions to sources of information; others may want, or have to rely on, the agency to obtain the information for them.

If the individual is unable to participate in the determination of eligibility, because of such circumstances as physical or mental disability, inability to speak English, or other difficulties, the agency is obliged to take measures to provide him the assistance and services for which he is eligible.

Reliance on applicants and recipients as the primary source of information will enable the agency to determine initial or continuing eligibility in a large percentage of

cases on the basis of information provided by the individual, supplemented if necessary by information from public records. Such reliance on the individual includes placing responsibility on recipients for notifying the agency, on the basis of instructions understood by them, about changes in their situations that may affect the amount of assistance to which they are entitled or may terminate their eligibility.

When available information is inconclusive, reliance on the applicant or recipient as the primary source of information requires the agency to explain to the individual, in writing if necessary, (1) what questions remain and how he can resolve or help to resolve them and/or what actions the agency can take to resolve them, and (2) the necessity for resolving the questions if eligibility is to be established or continued. If the individual is reluctant or unwilling to help resolve the question or permit the agency to do so, the agency is responsible for considering carefully with him his reasons—both to prevent him from deciding unnecessarily or unwisely to withdraw from the program when he is eligible, and to discharge the agency's responsibility for evaluating whether facts had previously been presented correctly. (See IV-2600 re Fraud.)

If the individual is unwilling to have the agency seek verifying information, the agency may not be able to determine eligibility and thus have no recourse but to deny or terminate assistance. In such instance, the individual should be told that he has the right to re-apply at any time.

b. The plan requirement of an interview with applicants and recipients in each determination of eligibility requires a personal interview, preferably in the individual's home, unless this is impractical or would delay case action. If difficulties of transportation or other causes preclude a personal interview, contact by telephone or correspondence may be substituted. If the physical or mental condition of the applicant or recipient makes any type of direct contact with him impractical, the requirement may be met by a personal interview or other contact with someone who can act responsibly for him. In the case of initial determinations of eligibility, however, a personal interview with the applicant is required as soon as possible.

In States where eligibility is determined either initially or on redetermination on the basis of declaration forms or similar procedure, the interview should take place as soon as possible, and in any event within 90 days.

c. Reliance on the applicant (and public records) as the primary source of information will ordinarily make it unnecessary to consult other sources of information. The agency should take no steps in the exploration of eligibility to which the applicant does not agree, including contact with collateral sources. When information is sought from collateral sources, there should be clear interpretation of what information is desired, why it is needed, and how it will be used. Agencies should not rely on a "blanket" consent for outside contacts, but should obtain specific consent for each contact, whether with social agencies, doctors, hospitals, and similar resources, or with relatives or other individuals.

The consent should cover the purpose of the contact as well as the individual or agency to be consulted.

If the agency has to assume responsibility for the entire process of determination of eligibility or for parts of it, because of the individual's inability to participate in establishing his eligibility, the same care must be taken in selecting sources to be contacted as would be taken if he were participating. Agency actions contrary to the foregoing practices will be inconsistent with

requirement IV-2220, item 5c, unless limited to specific situations where there is special need to use other procedures. If other procedures are followed in a specific situation, the case record must specify the reasons why they were needed, and the specific procedures followed, which must be consistent with IV-2220, item 1, and IV-2230, item 1.

d. The requirement that applicants and recipients be notified in writing that assistance has been authorized in a stated amount requires such notification both at the initial determination of eligibility and each redetermination that results in a change in the amount of assistance to which the individual is entitled. When assistance is denied to an applicant and when a recipient's assistance is terminated, the written notice to him must contain the reason why he has been determined to be ineligible. The written notice will provide a basis for the individual to express dissatisfaction with the agency action. (See IV-6000 re Hearings.)

6. The State plan must provide reporting and other administrative and supervisory methods for obtaining information about whether local agencies carry out the State plan provisions and meet Federal requirements in determination of eligibility, thus enabling the State agency to identify problem areas and take corrective action. (See II-4200, item 3, re State-wide operation.)

[From the Practical Lawyer, April 1966]

SOCIAL WELFARE LAW TESTING

(By Edward V. Sparer, legal director, Center on Social Welfare Policy and Law, the Columbia University School of Social Work)

(AUTHOR'S NOTE.—The author gratefully acknowledges the assistance of Howard M. Thorkelson, legal associate at the Center on Social Welfare Policy and Law.)

Among the functions of the legal division of the Center on Social Welfare Policy and Law of The Columbia University School of Social Work is service as a social welfare law testing resource for legal aid attorneys and others who are giving free representation to welfare clients. The creation of the resource was based upon the following notions: That many of the significant issues of social policy in the welfare field involve legal issues that have never—or hardly ever—been reviewed by courts of law or even administrative review boards; that the sound development of social welfare programs requires judicial scrutiny of these legal issues; that unusual opportunity now exists to afford expanded legal recourse to social welfare clients as a result of the increasing attention given by government antipoverty programs to legal services for the poor; that past experience indicates such legal service efforts tend to become inundated with the problems of representing a mass clientele, and can be helped by special assistance in the development of test cases involving complex issues of social welfare law; that a university based center, drawing knowledge from the legal and social work professions, could serve both the clients of governmental welfare agencies and the long-range interests of the agencies by providing this special assistance.

The general issues upon which the Center is prepared to extend its maximum aid—including brief writing, research, consultation on appropriate strategy, etc.—to attorneys representing social welfare clients have been selected by an advisory committee of outstanding law and social work professors of Columbia University. The committee includes Professors of Law Monrad G. Paulsen, Chairman, Curtis J. Berger, R. Kent Greenawalt, Louis Lusky, and Michael I. Govern, and Professors of Social Work George Brager, Eveline M. Burns, Hyman Grossbard, Alfred J. Kahn, and Thomas F. Lewin.

Below we state and thereafter briefly describe 10 issues—or, more correctly, areas of

public assistance law concerning which we are particularly interested in rendering assistance to attorneys. These issues are:

The "man-in-the-house" rule and its variations;

"Midnight raids," early morning visits, and other privacy and illegal search issues;

Settlement and residence laws in various forms;

Maximum family grants;

Relatives' liability;

Certain work-relief practices and statutes;

Use of penal measures to impose standards of morality upon welfare clients;

The present scope of discretionary (or arbitrary) decision-making as it affects entitlement;

Fair procedure and due process in welfare administration;

Federal requirements on uniform application of state plans for public assistance.

The members of the Center's advisory committee are not here taking a personal position as to the appropriate legal resolution of any of the issues described. The advisory committee intends to indicate only that each of the issues described involves matters of law of great significance to welfare clients, that serious question may be raised about current application or interpretation of the law with regard to these issues, and that the best development and presentation of the legal positions of clients affected by these issues would be of benefit to American society.

Aside from the above-listed issues, the Center's legal staff is available for consultation on any legal issue affecting welfare clients.

THE "MAN-IN-THE-HOUSE" RULE

The term "man-in-the-house" rule is used in different public welfare programs to refer to different kinds of regulations. Its primary application is to those states that, by statutory direction, extend AFDC (aid to families with dependent children) aid only to those children deprived of parental support by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and not to those children deprived of parental support because their fathers are unemployed, underemployed, or ill-paid. Nineteen states plus the District of Columbia have such statutory restrictions (despite the availability of federal funds for a more inclusive program).

A serious equal protection argument might be developed concerning the reasonableness of the two classifications of needy children created by such statutes:

Those who will be helped by the state because their fathers have deserted or are otherwise absent; and

Those who will not be helped by the state because their fathers have refused to desert and are unable to find enough work to provide minimal support.

Such an equal protection argument would be relevant where an adequate general assistance program for those denied aid under AFDC does not exist. One should look not only to whether the statute provides for general assistance but to whether it is actually funded and operating. There is reason to believe that, in some localities, statutory directions for the implementation of general assistance are ignored. In such localities, mandamus actions to compel assistance might also be considered.

Second application

A second application of the "man-in-the-house" rule is made by certain of those states in the above-described grouping that deny aid not only to those children whose father is in the home, but also to those children who have an alleged "substitute father." The welfare policies of these states usually define the "substitute father" more in terms of the man's sexual relationship with the

mother than in terms of his support or guardianship of the children.

Thus, in Georgia, a man who "visits frequently" at the mother's home for the purpose of "co-habiting" is deemed to have "a common-law relationship" with the mother and therefore is ruled a "substitute father." In Arkansas, a "substitute parent" is a man to whom the mother "affords the privileges of a husband" in a "continuing relationship" as evidenced by "frequent visits" to the home or "frequent appearances of the man and mother in public as a couple." In Alabama, a man who "co-habits" with the mother, even though "he does not frequent the home" but "co-habits . . . elsewhere" with the mother, is deemed a substitute parent. The Washington, D.C. public assistance department also denies aid where a vaguely defined "substitute parent" exists, whether he is living in the home or not, but ostensibly requires some relationship to the children (such as taking them on walks). The Michigan welfare department does not use the "substitute parent" label but deems a home "unsuitable" for aid to dependent children if the mother gives "the rights of a spouse" to a man to whom she is not legally married.* Additional states follow closely analogous policies.

Since these policies result in a denial of welfare aid to needy children who are in fact "deprived of parental support" by reason of the death or desertion of their real father (the statutory test), they appear arbitrary and in conflict with the purpose of both the federal and the relevant state AFDC statutes. In addition, they are often so vaguely defined as to defy a uniform application. Finally, since the policies referred to place the burden on the mother of proving that she is not "affording the privileges of a husband" to a man, the policies permit extraordinary intrusions into the privacy of mothers on welfare. For these reasons, with the assistance of Center lawyers, the NAACP Legal Defense and Educational Fund, Inc., has filed a complaint and petition for a hearing with the Secretary of Health, Education, and Welfare and requested that the Secretary find that such policies do not conform to the Social Security Act, 42 U.S.C. §§ 301 ff. Court action may also be appropriate.

Other applications

Other states make still other applications of the "man-in-the-house" rule by which aid is not necessarily denied because a father or father-substitute is in the home. In some states (e.g., California), while it is held that a father-substitute is not legally liable for support of the children of the mother with whom he is allegedly cohabiting, welfare departments are directed by statute or regulation to draw a binding inference that the

father-substitute is giving support. Other states (e.g., New York) allow the mother to rebut the presumption, but suspend payments pending rebuttal when an unreported man is discovered to be living in the house.

At the present time, it is recommended that the first two applications of the "man-in-the-house" rule be given particular priority in testing.

MIDNIGHT RAIDS

Midnight raids on the homes of AFDC mothers received some general publicity as a result of the mass raids conducted in Alameda County, California. The practice exists in a great many cities, however, including—at least as of the end of 1965—New York (where the practice is referred to as an "early morning visit," taking place at 6:00 a.m. or 6:30 a.m.). The purpose of the raid or visit is to discover a man in bed with an AFDC mother (who did not report the man's presence in the home to the welfare department). Upon discovering his presence through the raid, welfare will be suspended.

The general practice is not to obtain search warrants. Often (as in New York) policemen accompany special welfare investigators to the home. The investigators are usually instructed to obtain consent to enter by knocking on the door and informing the mother that her welfare aid will be cut off if she does not consent to a search of the home. Criminal prosecution for fraud will sometimes follow the discovery of the man in bed, though more often it will not.

Legal questions

Among the relevant legal questions are: Is the consent thus obtained a voluntary consent? Are the searches conducted under these circumstances a violation of the mothers' constitutional protections against illegal search? Reich has explored the legal problems and concluded that these searches are illegal. Reich, *Midnight Welfare Searches and the Social Security Act*, 72 YALE L.J. 1347 (1963).

A few city governments have been persuaded to discontinue such searches because of the constitutional issues posed. No judicial precedent exists, though one case is now working its way through the California appellate courts on a related issue (can a public welfare case worker be fired for refusing to participate in such a raid?).

Other privacy issues exist. For example, may a welfare worker inspect the home of a welfare client (during ordinary daylight hours), threatening to suspend aid if she stops him—without giving her reasonable notice? May he search her home—in daylight hours—for evidence of criminal wrongdoing without a search warrant? These issues are currently being tested, with the Center's assistance, by the Legal Services Unit of Mobilization for Youth in New York City.

Still other privacy issues need exploration as to their nature, extent, and accessibility to remedy by judicial or administrative review.

SETTLEMENT AND RESIDENCE LAWS

Analysis of this subject for test purposes becomes hopelessly muddled unless distinctions are made between the various types of residential restrictions on public welfare aid. Among the restrictions are:

Residence laws affecting applicants for aid under the federally-supported categorical programs (AFDC, OAA, AB, AD) (aid to families with dependent children, old-age assistance, aid to the blind, aid to the disabled). The states are limited by the provisions of the Social Security Act in the length of the residential requirements they are permitted to impose upon applicants to such programs [e.g., one year immediately preceding application for AFDC; see 42 U.S.C. § 602(2)].

Residence laws for general assistance programs: Several laws range from three to five years, some with residential requirements in the county of application.

Settlement laws for general assistance: Settlement laws invariably include residential requirements. Their purpose is to define which towns or counties within a state have the duty to provide general assistance. Those who are not settled may be entitled to emergency assistance, or no assistance at all, or assistance in restricted forms. Generally, one does not gain settlement for any period in which he receives any form of public aid.

Statutes authorizing the forced removal (by court order) of needy persons from one county or town within a state to another where such person has settlement. E.g., (Burns) IND. STAT. ANN. § 52:156.

Statutes authorizing the forced removal of needy persons (by court order) from the state on the ground that they have settlement "or otherwise belong" elsewhere. E.g., MASS. ANN. LAWS ch. 122, § 21: "Certain Persons To Be Deported." Section 21 authorizes a justice of the Superior Court to issue a warrant causing persons given general assistance and "not born or not having a settlement in the commonwealth, who may conveniently be removed, to be conveyed at the expense of the commonwealth to any state or, if not a citizen of the United States, to any place beyond sea, where he belongs." The section was reenacted as recently as 1958. In order to gain settlement in Massachusetts, one must have lived five consecutive years in any town in the commonwealth. MASS. ANN. LAWS ch. 116, § 1. Settlement is not a prerequisite to a grant of aid. MASS. ANN. LAWS ch. 117, § 2.

Statutes that prevent a needy person from ever gaining settlement in a particular state through the service of certain notices. E.g., S.D. CODE § 50.0102(6).

Statutes authorizing imposition of criminal penalties upon needy persons who have settlement elsewhere. E.g., N.J. STAT. ANN. § 44:8A-36.

Statutes that make it a crime for a needy person who has once been transported at public expense to his county of settlement to leave that county and apply for public assistance in any other county. E.g. (Burns), IND. STAT. ANN. § 52:156.

Administrative practices that deny entitlement to needy residents and nonresidents alike on the ground that it is in their best interests or the state's best interests for them to return to their state of origin. Such cases have occurred recently in New York and may exist on a wide scale.

Abuse laws that impose no residential restrictions as such, but deny entitlement to those who are found to have come to the state for the purpose of receiving aid. At least three states, including New York, have such laws.

Residence-in-lieu-of-citizenship requirements that, in some cases, require noncitizens to have resided in the state for as long as 25 years. Eleven states either require public assistance recipients in at least one program to be citizens or have a specified number of years' residence. Such programs are usually OA, AB, or AD (federally supported programs); one state (Texas) has such a law for the AFDC program. In at least six states, such residence requirements range from 15 to 25 years (as of 1963).

The Texas statute may have the effect of denying aid to the large sections of the Mexican-born population of Texas. The denial of aid to resident aliens may well be inconsistent with the Social Security Act. Section 806(a)(1) of 42 U.S.C. defines "dependent child" as "a needy child who has been deprived of parental support or care" and says nothing about citizenship; section 602(b) limits residence requirements in approved state plans to a one-year maximum.

* The basic public assistance policies of the various states, aside from the very general state public assistance statutes, are contained in handbooks or manuals of public assistance issued by the state social welfare departments and the United States Department of Health, Education, and Welfare (HEW). The manuals, with rare exceptions only, are not published but are issued in loose-leaf form to welfare department offices. State manuals dealing with federally supported programs are on file with HEW in Washington, D.C., and in its various regional offices, where they may be seen. Quotations in the text are taken from the manuals of public assistance of the indicated states. The FEDERAL HANDBOOK OF PUBLIC ASSISTANCE sets forth a number of requirements for state programs and is of great value to any lawyer representing welfare clients. It is not published in the Federal Register or elsewhere, but is issued to federal and state welfare offices in loose-leaf form.

It is relevant to section 606(a) (1) that section 601 identifies the program's beneficiaries as "needy dependent children" and that section 602(a) (9) requires that aid be given "to all eligible individuals" residing in the state for more than one year. *Cf. Harman v. Forsenius*, 380 U.S. 528 (1965). These sections seem to preclude the denial of aid to resident aliens. A denial of aid to resident aliens also appears to contravene Fourteenth Amendment equal protection. ". . . nor shall any state . . . deny to any person within its jurisdiction the equal protection of the laws." Since alienage is irrelevant to the purposes of the program, it does not justify the denial of aid to resident aliens as a class for such long periods.

Underlying notion

Some generalizations can be made about these laws. They are, by and large, vestiges from Elizabethan days that owe their continuing vitality to the notion enjoyed by legislators that poor people often move, or plan to move, in order to obtain the welfare benefits of other states. The contrary notion is asserted by the overwhelming bulk of social workers, public welfare workers, and others who have commented upon their experience with in-migrants (i.e., that these persons generally move for many different reasons, but not to obtain welfare benefits). At least some reported instances of death stemming from the operation of the residence laws exist. There is only one reported constitutional challenge of residence laws—a 1940 Illinois Supreme Court case—and that failed. *Heydenreich v. Lyons*, 374 Ill. 557, 30 N.E.2d 46 (1940).

Constitutional challenges

Successful challenges of residence laws might best proceed by testing the more obviously onerous statutes and practices on a variety of constitutional grounds (the forced removal statutes, criminal penalty statutes, best interest practices, ridiculously long residence-in-lieu-of-citizenship statutes, settlement laws that operate to prevent a needy person from ever gaining a new settlement, etc.), plus settlement or general assistance residence laws of unusual length. There is a great need of court opinion, dicta or otherwise, that would provide a more adequate legal background against which analysis may be made of other residence laws. The one presently existing appellate case in this general area that provides support for a further development is *Edwards v. California*, 314 U.S. 160 (1941). There, a statute authorizing criminal prosecution of persons who brought indigents into the state was found unconstitutional.

Research needed

Aside from instituting initial tests, two research efforts are needed:

An accurate compilation of contemporary residence laws and practices, to the extent that is feasible (the residence laws have been undergoing legislative revision in a number of states during the sixties; no complete national description exists; practices in this area may in some ways be more tolerant and in other ways more severe than any of us imagine—it has been many years since an accurate general survey of actual practice has been made, at least to the writer's knowledge);

A compilation and analysis of the whole of social work, public welfare, and other experience with the motivations of migrating destitute people since the thirties and early forties.

MAXIMUM FAMILY GRANTS

As of June, 1963, more than one-third of the states imposed maximum limits on the aid to any AFDC applicant, regardless of the number of eligible children. The maximums ranged from a high of \$250 per family unit (Maine) to a low of \$81 (Florida). Some

states scale payments so that each additional child reduces the rate but increases the multiplier by one. Arizona's statute illustrates a more liberal maximum limitation provision:

" . . . In no event shall the total amount of assistance paid . . . to any recipient exceed eighty dollars for any calendar month for a family containing one dependent child, and twenty-seven dollars for each additional dependent child, but in no event shall any one family receive assistance in excess of two hundred twenty dollars per month." ARIZ. REV. STAT. ANN. § 46-294.

If "family" is defined as the family unit living in the mother's home, the effect is that children of a family of six children or more could receive maximum payments only by living outside their mother's home.

A comparable statute was held to deny equal protection in *Collins v. State Bd. of Social Welfare*, 248 Iowa 369, 81 N.W.2d 4 (1957). The decision was based on the provision of the Iowa constitution requiring that laws operate equally and uniformly, but the Court applied the Fourteenth Amendment principle "reasonable grounds for classification." The Court found that the statute established a "subclassification of the original classification, i.e., dependent children based solely upon the number of children in the home, with no consideration as to need, a circumstance completely disconnected [sic] with the basic classification and the purpose and reason therefor." 81 N.W.2d at 9.

It is recommended that such statutes in other states be tested on grounds of both state and federal constitutional provisions, as well as possible conflict with the purpose and provisions of the federal Social Security Act and state welfare law.

RELATIVES' LIABILITY STATUTES

Most states have statutes providing for the recovery of support costs from various members of the recipient's family (these may include spouse, parents, grandparents, children, grandchildren). These liability statutes are usually attached to most, but not necessarily all, public assistance programs within the state. Some states impose liability on different relatives, depending on which program is involved.

In addition, the 1965 amendments to the Social Security Act require that most forms of relative liability be omitted in medical assistance if federal funds are to be obtained. See 42 U.S.C. § 1396.

Such statutes, like settlement laws, derive from Elizabethan concepts that placed the primary burden of support of the poor upon their families and appear in striking contradiction to modern welfare concepts that recognize the social gain that accrues from the relief of poverty. Some laws that impose support liability on relatives of public assistance recipients do not impose such liability on relatives of members of other classes.

Problems

The financial problems created by liability provisions are compounded by caseworkers who sometimes misapply relatives' reimbursement provisions and use them to intimidate clients. In at least one major city, although the law places the burden of recovery on the agency rather than on the recipient, some caseworkers have reduced payments and denied assistance altogether on grounds of a relative's prior obligation of support.

In states where an action by the applicant for support is a condition of assistance, enforcement may, in many cases, have the effect either of inducing the applicant to sacrifice public assistance without adequate contributions from relatives or of straining his relations with his family. The effect of such enforcement of liability provisions is not only that family life is disrupted but also that purported aid payments are made

as loans to the persons made responsible. Oddly enough, while the public welfare department usually is granted the right to recovery of money it gives to the recipient when she acquires assets at a later date, relatives who are required to give support rarely are granted similar statutory rights.

Constitutionality

In 1964, the Supreme Court of California held that a statute that imposed liability on adult children for the cost of their mother's maintenance in a state hospital (to which she had been civilly committed) violated the equal protection of the laws guaranteed by the constitution. *Department of Mental Hygiene v. Kirchner*, 60 Cal. 2d 716, 388 P. 2d 720 (1964). The United States Supreme Court remanded the decision for determination of whether the California Court relied on federal or state constitutional grounds. The California Supreme Court later stated that it relied on state grounds, and thus a United States Supreme Court review of the analogous federal issue was precluded.

tenBroek aptly summarized the reasoning of the California Court as follows:

"The central reasoning of the court in the *Kirchner* case is expressed in three summary passages: First, the enactment and administration of laws providing for treatment of persons in appropriate state institutions is a proper state function. Being so, the costs should be borne by the state. Second, "A statute obviously violates the equal protection clause if it selects one particular class of persons for a species of taxation and no rational basis supports such classification. . . . Such a concept for the state's taking of a free man's property manifestly denies him equal protection of the law." Third, the cost of a proper state function conducted for the public benefit "cannot be arbitrarily charged to one class in the society." Imposing liability for the cost on the relatives of recipients does arbitrarily charge it to one class in society and violates the basic constitutional guarantee of the equal protection of the law." tenBroek, *California's Dual System of Family Law*, 17 STAN. L. REV. 614, 639 (1964-1965).

In 1963, the Court of Appeals of the District of Columbia reached an opposite result, in *Beach v. Government of the District of Columbia*, 320 F. 2d 790. The father of a mental incompetent was held liable for the cost of her care. Although the Court affirmed the primacy of the public's responsibility, it held, on the basis of older state decisions, that the imposition of liability was not irrational and, therefore, not a denial of due process. The Court appeared to be considering only property rights and not equal protection.

Kirchner, coupled with tenBroek's extensive research and analysis of the relevance of the equal protection requirements to the statutes in question, creates a basis for challenging the relative liability statutes in the categorical and general assistance programs.

Different area

A different area of liability relates to the statutes creating a type of debtor-creditor relationship in public welfare between the recipient and the welfare department. Research as to the basis for liability in this area is needed.

WORK-RELIEF STATUTES AND PRACTICES

Some states, by statute or regulation, impose work requirements on recipients of general assistance and AFDC. Here referred to are work-relief programs and not requirements that employable recipients look for work. While the general notion of work-relief as a condition of welfare aid may be proper, there are a variety of issues relating to such work programs that would gain from judicial or quasi-judicial review. For example, are the "good cause" grounds [cf. 42

U.S.C. § 609 (a)), permitting a client to refuse particular kinds of work-relief requirements, adequately defined and communicated to the clients?

Criminal penalties

Some agencies attempt to impose criminal penalties upon persons who refuse work. A recent New York case dealt with such an attempt. While the conviction was reversed by the Appellate Division, the constitutional issues, unfortunately, were not reached. *People v. LaFountain*, 21 App. Div. 2d 719, 249 N.Y.S. 2d 744 (1964).

The Massachusetts poor laws illustrate the highly questionable statutes that authorize criminal penalties in general assistance (MASS. ANN. LAWS ch. 117, §§ 20, 22):

"§ 20 The board of public welfare and the officer in charge of premises provided by a town for the purpose of supplying food or lodging on said premises may and in cases of tramps or vagrants shall require any person applying for and receiving food or lodging to perform, if physically able, a reasonable amount of labor in return therefor, and may detain him for not more than twenty-four hours after such application until the labor... has been performed.

"§ 22 Whoever refuses or neglects to perform any labor required of him under the preceding two sections shall be punished... by imprisonment... for not more than one year."

Among the many issues raised by this statute might well be the involuntary servitude issue posed but not reached in *LaFountain*, *supra*.

USE OF PENAL MEASURES TO IMPOSE STANDARDS OF MORALITY

A different application of penal process to welfare clients occurs in the incarceration or threatened incarceration of welfare clients for violations of moral standards that cost the state money (i.e., illegitimate babies). A report of a New Jersey legislative committee was replete with suggestions for "new methods" designed to "combat and contain this group [AFDC mothers who have illegitimate children while on public aid] with emphasis on legal punitive measures in addition to psychiatric and psychological counseling." See *Legislative Report on the Aid to Dependent Children Program in New Jersey*, reprinted in the CONGRESSIONAL RECORD, volume 109, part 17, pages 22188-22199. Because of the lack of adequate reporting services, the extent to which such punishment is threatened or actually carried out is not known.

Occasional reports, however, do indicate that legal punitive measures are carried out to some extent. For example, a newspaper story alleged that "a 25-year-old woman had been sent to jail for an indefinite term of having one too many illegitimate children" in New Jersey. The domestic relations judge was quoted as saying "I warned you on October 12, 1962, not to have any more illegitimate children and you have violated my order and violated your probation, the proof being you are unmarried and expectant." He then sentenced her to an indefinite term in Clinton Reformatory for Women, according to the article, *New York Daily News*, Dec. 18, 1964.

Issues posed

Major statutory and constitutional issues are posed by applications of the penal process. Is there proper statutory authorization? Are civil processes here being used to effect a penal consequence? If fornication in New Jersey is a crime (as distinguished from adultery), are the penal consequences applied only where welfare clients are involved? Is incarceration (in a reformatory or otherwise) for having "more illegitimate children" (as distinguished from adultery,

fornication, etc.) itself consistent with constitutional provisions and standards?

DECISIONMAKING AS IT AFFECTS ENTITLEMENT

Central to the protection of the legal rights of welfare recipients is the development of a more adequate basis for discretionary decision-making, particularly as it affects entitlement issues, and the revision of regulations, administrative practices, etc., that permit or encourage arbitrary decision-making. These tasks are among the most difficult faced by any administrative agency. The problems are compounded—for many reasons—for public welfare agencies.

Initial studies should be made, and test cases brought, in three areas of discretionary decision-making. These areas are:

Employable mother standards;

Suitable home standards; and

The best interest theory as it operates to create quasi-residential requirements.

Employable mother standards

Many AFDC programs, either by statute or regulation, require mothers to seek employment under conditions that are extraordinarily ill-defined. Should the mother refuse, her benefits are—or may be—terminated.

STATE REGULATION

As an illustration, the relevant public assistance regulation of a major northern state is cited. After declaring that a mother's first responsibility is the care and protection of her children, the regulation states that self-support should, nevertheless, be encouraged. The regulation then authorizes the termination of welfare benefits by the county welfare board "where a mother has been evaluated as able to work and she refuses to seek or accept employment." The following criteria are set forth to determine whether employment is "not contra-indicated":

"(1) The need for the mother's services at home depends upon the number, age and special needs of the children; incapacity of the father; the mother's acceptance of home-making responsibility; and the availability of a mother-substitute to assure the adequate care of the children at home;

"(2) Her potential for employment depends upon her training and capacity for employment, the economic feasibility, the job availability and her physical and emotional ability to assume the dual responsibility of mother and breadwinner."

The regulation may give an initial impression of reasonable guidelines. It does not take much imagination, however, to visualize the kind of opposite results easily reached in the same kinds of cases. Such breadth to discretionary situations translates itself in practice to arbitrary decision-making. There is a need, of course, to avoid rigid rules. Perhaps, in this area, satisfactory guides could not be worked out without incorporating a provision that the ultimate decision as to whether the welfare of her children is better served by staying at home or going to work must be made by the mother.

WASHINGTON, D.C., REGULATION

Certain regulations in this area on their face are not vague but arbitrary, and need challenge and review. For example, the Washington, D.C., regulation, according to the Metropolitan Washington Chapter of the National Association of Social Workers, states that if the mother has been employed and loses work, she has 30 days to find other employment; after 30 days, she becomes ineligible for the AFDC grant. The Public Welfare Crisis in the Nation's Capital, p. 34, 1964. Such a regulation flouts the policy underlying the AFDC program and arbitrarily penalizes children and mothers who do seek work when encouraged.

An interesting test might also be made in the case of a woman who is evaluated as

suitable for work, but disagrees, feeling she is needed in her home, and is then terminated. Does the welfare department have a mandate to continue aid to children, or may they leave the children in a condition dangerous to their health and lives because the mother has disagreed?

Suitable home provisions

So-called suitable home provisions, often concerned primarily with the conduct of the parent or guardian, are significant features of a large number of state public assistance plans. Under these plans, a home may be declared unsuitable for a variety of reasons, including the presence of illegitimate children. A consequence of such a finding may be termination of AFDC benefits.

FLEMMING RULING

Since 1961, a ruling of the Secretary of Health, Education, and Welfare (the Fleming Ruling) has limited state power to deny AFDC assistance on the ground of an unsuitable home, without otherwise providing for adequate care and assistance. In 1962, the Fleming Ruling was incorporated into the Social Security Act. 42 U.S.C. § 604. Unfortunately, however, the Department of Health, Education, and Welfare has not yet taken the necessary steps to implement fully the Fleming Ruling.

One authority who conducted a thorough review of unsuitability practices concluded that:

"In retrospect it is clear that the Fleming Ruling was not sufficiently inclusive to solve the problem... [U]ntil the complex of policies which discriminate against Negro and illegitimate children is approached realistically and welfare regulations are required to conform to the general statutes [dealing with support liability], a shift in one particular eligibility condition will have little effect on the program." BELL, *Aid to Dependent Children* 150-151. (Columbia University Press, New York, N.Y., 1965).

AREAS OF CONCERN

Subjects of concern in this area are:

Whether welfare departments have power to terminate aid to children on the ground of vaguely defined suitability provisions;

Whether practices that result in a ban of aid to families with illegitimate children without an adequate alternative plan are still in effect;

Whether various other policies, such as the "substitute father" policy, are nothing more than devices designed to evade the Fleming Ruling; and

The constitutionality of neglect proceedings where such proceedings are instituted on the ground of illegitimate children only in the case of welfare clients.

The best interest theory: New York practice

An administrative practice existing in New York (and in other states as well) is to deny AFDC to families in New York, even to families who have been in New York for more than a year, where it has been deemed to be socially valid and in the best interest of such families to return to their state of origin. In New York, this practice applies to both state residents and nonresidents and affects hundreds of families yearly.

While the practice continues, and has reappeared in recent litigation, the only attempt to indicate proposed standards may be found in *Elsner, The Return of Dependent Persons to Place of Legal Settlement*, 21 J. SOCIAL CASE WORK 181 (1940). As the practice has appeared in recent cases, both statutory and constitutional objections may be raised to it.

MASSACHUSETTS STATUTE

A Massachusetts statute authorizes a similar practice, limited to nonresidents, however. The Massachusetts statute authorizes aid where it is "for the public interest" and

where the public welfare board "deems [it] expedient." Those nonresidents (defined as persons lacking an established place of abode in the state) for whom the local administrators do not deem it expedient to give aid shall be removed from the state. MASS. ANN. LAWS ch. 117, § 18.

OTHER PROVISIONS

Other states have analogous provisions, leaving to the unfettered discretion of the welfare department whether aid shall or shall not be given. These provisions may be challenged on a number of grounds.

FAIR PROCEDURE IN WELFARE ADMINISTRATION

Procedures for the administration of public welfare programs are an odd combination of reasoned, protective regulations and restrictive, perhaps arbitrary, procedures. Usually, procedural rights on a hearing level are well-defined and fair, as a result of the hearing requirements established by the Department of Health, Education, and Welfare. Procedural rights that exist on the level of client-caseworker relationship are often ignored—to the extent that they do exist. Existing procedural protections with regard to agency policy vis-a-vis client entitlement particularly need more and fairer definition.

Two areas needing study

There is a dire need for a thorough survey and study of the entire area. Recommended now, however, are both study and testing in two specific areas:

The right of clients to see the written rules or policies that are invoked to deny aid.

See Davis' discussion of "secret law;" I ADMINISTRATIVE LAW TREATISE, § 4.16, pp. 102-112 (West Publishing Co., St. Paul, Minn., 1965 pocket part). Various illustrations of "secret law" in public assistance on the part of some state and local departments could be offered here. An incident reported in a recent *New Republic* editorial, "The Apparatchik" (July 24, 1965, p. 7), allegedly took place in Chicago: Mrs. Dorothy Perez, the client, was denied certain back payments. She went to the local department office and it was conceded that she was due certain back payments but not all that she requested. "Why not?" Mrs. Perez asked. "There's a rule," said the apparatchik. "Let me see the rule," Mrs. Perez rejoined. "There's a rule against seeing the rule. . . ." The next day . . . the director (who had not been in the office the previous day) agreed that Mrs. Perez was due the back payments. He defended the apparatchik: The rules Mrs. Perez had asked to see were too "difficult for her to read."

Clients have a right to see written rules or policies at a hearing. In most states, a public inspection suit could probably force revelation of such documents. However, agency policy itself should direct the ready disclosure to clients and applicants and others of all rules, policies, procedure, etc., that affect eligibility. There are several possible avenues of changing present state agency policy on this matter in those states that are restrictive.

Procedure followed when some reason appears to question fraud by a client receiving public assistance, but insufficient reason to warrant a conclusion that she is ineligible.

To illustrate one aspect of the problem raised by procedures on fraud, examine the different approaches taken by the New Jersey and New York regulations. The New Jersey regulations state (pt. II, § 2951, Manual of Administration, Bureau of Assistance):

. . . in any receiving case, except as provided in the following paragraph [The following paragraph refers to instances where the client refuses to "cooperate" with the agency in disclosing information] assistance should be continued to an otherwise eligible

person, even though there is reason to suspect that fraud has been committed, while the facts are under review by the agency or the law enforcement authority. . . .

In New York, in contrast, assistance "may" (or may not) be automatically suspended wherever "continuing eligibility is questionable and under investigation" (reg. 351.22 (3)(b), Rules and Regulations of the New York State Department of Social Welfare).

The right to assistance

There is a right to assistance, of course, under the relevant statutes, whenever the conditions for eligibility have been established. Federal regulations on fraud investigation require that such procedures be "consistent with principles recognized as affording due process of law" (pt. IV, § 2633, HANDBOOK OF PUBLIC ASSISTANCE ADMINISTRATION). One may doubt that suspension of aid vita! to life itself—of aid that is granted as a right after eligibility requirements have been established—may be suspended because of "question(s)" prompting an "investigation," at least under procedures that are "consistent with principles recognized as affording due process of law."

FEDERAL REQUIREMENTS ON UNIFORMITY

Social Security Act

The Social Security Act provides that a state plan "shall be in effect in all political subdivisions of the state" (42 U.S.C. § 602). As interpreted in the federal HANDBOOK OF PUBLIC ASSISTANCE, the statute requires (pt. II, § 4300): "that the benefits of the programs will be equally available to all eligible persons; and that state policies, standards, and methods will apply equally to persons in like situations wherever they may live."

"Where the program is administered by political subdivisions under State supervision, the State agency is responsible for assuring that the State program and State rules and requirements are in effect in all political subdivisions. This means that the specific eligibility factors for each assistance program, including resources and standards of need, and any additional eligibility factors included in the approved State plan are uniformly applied in area offices or political subdivisions."

State welfare programs receiving federal financial support are required to conform to the "uniform operation" provision of the Act as well as to other provisions. In the history of the Act, only 15 hearings have been called by the Secretary to resolve disputed conformity issues. To the extent uniform operation has been an issue, it has usually arisen because of disparities appearing on the face of the state plans and in the reports of the state agencies.

Yet plans do not really operate in a uniform manner in many states. Gross disparities in at least some states exist from county to county, department to department, and caseworker to caseworker. Some of the egregious maladministration of public welfare takes place in violation of the uniformity requirement. E.g., see the 1960 Greenleigh Associates report on the lack of uniform operations in Cook County, Illinois, "Facts, Fallacies and Future" 64-65 (Greenleigh Associates, Inc., 437 Fifth Ave., New York, N.Y.). Often practice deviates sharply from established agency policy. On the subject of disparity between practice and policy, Greenleigh Associates noted in its report (p. 65): "In almost every instance of departure from policies, it was to the disadvantage of the applicant or recipient not the agency. . . ."

Causes of lack of uniformity

The causes for failure in uniform operation are many: on the one hand, vague regulations; on the other hand, regulations so bulky that many workers are not familiar with them and do not wish to be;

reliance on oral interpretations; discrepancies in social attitude of the workers, etc. In part, the situation described continues to exist in more than a few communities because the Department of Health, Education, and Welfare itself has had neither the means nor the support to enforce uniformity concepts on an operating level.

Conclusion

Some minimal steps should be taken to revitalize the uniformity requirement and to introduce conformity hearings as a major weapon in such a revitalization.

[From the Nation, May 2, 1966]

THE WEIGHT OF THE POOR—A STRATEGY TO END POVERTY

(By Richard A. Cloward and Frances Fox Piven)¹

How can the poor be organized to press for relief from poverty? How can a broad-based movement be developed and the current disarray of activist forces be halted? These questions confront, and confound, activists today. It is our purpose to advance a strategy which affords the basis for a convergence of civil rights organizations, militant anti-poverty groups and the poor. If this strategy were implemented, a political crisis would result that could lead to legislation for a guaranteed annual income and thus an end to poverty.

The strategy is based on the fact that a vast discrepancy exists between the benefits to which people are entitled under public welfare programs and the sums which they actually receive. This gap is not recognized in a society that is wholly and self-righteously oriented toward getting people off the welfare rolls. It is widely known, for example, that nearly 8 million persons (half of them white) now subsist on welfare, but it is not generally known that for every person on the rolls at least one more probably meets existing criteria of eligibility but it is not obtaining assistance.

The discrepancy is not an accident stemming from bureaucratic inefficiency; rather, it is an integral feature of the welfare system which, if challenged, would precipitate a profound financial and political crisis. The force for that challenge, and the strategy we propose, is a massive drive to recruit the poor onto the welfare rolls.

The distribution of public assistance has been a local and state responsibility, and that accounts in large part for the abysmal character of welfare practices. Despite the growing involvement of federal agencies in supervisory and reimbursement arrangements, state and local community forces are still decisive. The poor are most visible and proximate in the local community; antagonism toward them (and toward the agencies which are implicated with them) has always, therefore, been more intense locally than at the federal level. In recent years, local communities have increasingly felt class and ethnic friction generated by competition for neighborhoods, schools, jobs and political power. Public welfare systems are under the constant stress of conflict and opposition, made only sharper by the rising costs to localities of public aid. And, to accommodate this pressure, welfare practice everywhere has become more restrictive than welfare statute; much of the time it verges on lawlessness. Thus, public welfare systems try to keep their budgets down and their rolls low by falling to inform people of the rights available to them; by intimidating and shaming them to the degree that they are reluctant either to

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apply or to press claims, and by arbitrarily denying benefits to those who are eligible.

A series of welfare drives in large cities would, we believe, impel action on a new federal program to distribute income, eliminating the present public welfare system and alleviating the abject poverty which it perpetrates. Widespread campaigns to register the eligible poor for welfare aid, and to help existing recipients obtain their full benefits, would produce bureaucratic disruption in welfare agencies and fiscal disruption in local and state governments. These disruptions would generate severe political strains, and deepen existing divisions among elements in the big-city Democratic coalition: the remaining white middle class, the white working-class ethnic groups and the growing minority poor. To avoid a further weakening of that historic coalition, a national Democratic administration would be constrained to advance a federal solution of poverty that would override local welfare failures, local class and racial conflicts and local revenue dilemmas. By the internal disruption of local bureaucratic practices, by the furor over public welfare poverty, and by the collapse of current financing arrangements, powerful forces can be generated for major economic reforms at the national level.

The ultimate objective of this strategy—to wipe out poverty by establishing a guaranteed annual income—will be questioned by some. Because the ideal of individual social and economic mobility has deep roots, even activists seem reluctant to call for national programs to eliminate poverty by the outright redistribution of income. Instead, programs are demanded to enable people to become economically competitive. But such programs are of no use to millions of today's poor. For example, one-third of the 35 million poor Americans are in families headed by females; these heads of family cannot be aided appreciably by job retraining, higher minimum wages, accelerated rates of economic growth, or employment in public works projects. Nor can the 5 million aged who are poor, nor those whose poverty results from the ill health of the wage earner. Programs to enhance individual mobility will chiefly benefit the very young, if not the as yet unborn. Individual mobility is no answer to the question of how to abolish the massive problem of poverty now.

It has never been the full answer. If many people in the past have found their way up from poverty by the path of individual mobility, many others have taken a different route. Organized labor stands out as a major example. Although many American workers never yielded their dreams of individual achievement, they accepted and practiced the principle that each can benefit only as the status of workers as a whole is elevated. They bargained for collective mobility, not for individual mobility; to promote their fortunes in the aggregate, not to promote the prospects of one worker over another. And if each finally found himself in the same relative economic relationship to his fellows as when he began, it was nevertheless clear that all were infinitely better off. That fact has sustained the labor movement in the face of a counter pull from the ideal of individual achievement.

But many of the contemporary poor will not rise from poverty by organizing to bargain collectively. They either are not in the labor force or are in such marginal and dispersed occupation (e.g., domestic servants) that it is extremely difficult to organize them. Compared with other groups, then, many of today's poor cannot secure a redistribution of income by organizing within the institution of private enterprise. A federal program of income redistribution has become necessary to elevate the poor en masse from poverty.

Several ways have been proposed for redistributing income through the federal government. It is not our purpose here to assess the relative merits of these plans, which are still undergoing debate and clarification. Whatever mechanism is eventually adopted, however, it must include certain features if it is not merely to perpetuate in a new guise the present evils of the public welfare system.

First, adequate levels of income must be assured. (Public welfare levels are astonishingly low; indeed, states typically define a "minimum" standard of living and then grant only a percentage of it, so that families are held well below what the government itself officially defines as the poverty level.) Furthermore, income should be distributed without requiring that recipients first divest themselves of their assets, as public welfare now does, thereby pauperizing families as a condition of sustenance.

Second, the right to income must be guaranteed, or the oppression of the welfare poor will not be eliminated. Because benefits are conditional under the present public welfare system, submission to arbitrary governmental power is regularly made the price of sustenance. People have been coerced into attending literacy classes or participating in medical or vocational rehabilitation regimes, on pain of having their benefits terminated. Men are forced into labor on virtually any terms lest they forfeit their welfare aid. One can prize literacy, health and work, while still vigorously opposing the right of government to compel compliance with these values.

Conditional benefits thus result in violations of civil liberties throughout the nation, and in a pervasive oppression of the poor. And these violations are not less real because the impulse leading to them is altruistic and the agency is professional. If new systems of income distribution continue to permit the professional bureaucracies to choose when to give and when to withhold financial relief, the poor will once again be surrendered to an arrangement in which their rights are diminished in the name of overcoming their ills. Those who lead an attack on the welfare system must therefore be alert to the pitfalls of inadequate but placating reforms which give the appearance of victory to what is in truth defeat.

How much economic force can be mobilized by this strategy? This question is not easy to answer because few studies have been conducted of people who are not receiving public assistance even though they may be eligible. For the purposes of this presentation, a few facts about New York City may be suggestive. Since practices elsewhere are generally acknowledged to be even more restrictive, the estimates of unused benefits which follow probably yield a conservative estimate of the potential force of the strategy set forth in this article.

Basic assistance for food and rent: The most striking characteristic of public welfare practice is that a great many people who appear to be eligible for assistance are not on the welfare rolls. The average monthly total of New York City residents receiving assistance in 1959 was 325,771; but according to the 1960 census, 716,000 persons (unrelated or in families) appeared to be subsisting on incomes at or below the prevailing welfare eligibility levels (e.g., \$2,070 for a family of four). In that same year, 539,000 people subsisted on incomes less than 80 per cent of the welfare minimums, and 200,000 lived alone or in families on incomes reported to be less than half of eligibility levels. Thus it appears that for every person on welfare in 1959, at least one more was eligible.

The results of two surveys of selected areas in Manhattan support the contention that many people subsist on incomes below wel-

fare eligibility levels. One of these, conducted by Greenleigh Associates in 1964 in an urban-renewal area on New York's upper West Side, found 9 per cent of those not on the rolls were in such acute need that they appeared to qualify for emergency assistance. The study showed, further, that a substantial number of families that were not in a "critical" condition would probably have qualified for supplemental assistance.

The other survey, conducted in 1961 by Mobilization for Youth, had similar findings. The area from which its sample was drawn, 67 square blocks on the lower East Side, is a poor one, but by no means the poorest in New York City. Yet 13 per cent of the total sample who were not on the welfare rolls reported incomes falling below the prevailing welfare schedules for food and rent.

There is no reason to suppose that the discrepancy between those eligible for and those receiving assistance has narrowed much in the past few years. The welfare rolls have gone up, to be sure, but so have eligibility levels. Since the economic circumstances of impoverished groups in New York have not improved appreciably in the past few years, each such rise increases the number of people who are potentially eligible for some degree of assistance.

Even if one allows for the possibility that family-income figures are grossly underestimated by the census, the financial implications of the proposed strategy are still very great. In 1965, the monthly average of persons receiving cash assistance in New York was 490,000, at a total cost of \$440 million; the rolls have now risen above 500,000, so that costs will exceed \$500 million in 1966. An increase in the rolls of a mere 20 per cent would cost an already overburdened municipality some \$100 million.

Special grants: Public assistance recipients in New York are also entitled to receive "non-recurring" grants for clothing, household equipment and furniture—including washing machines, refrigerators, beds and bedding, tables and chairs. It hardly needs to be noted that most impoverished families have grossly inadequate clothing and household furnishings. The Greenleigh study, for example, found that 52 per cent of the families on public assistance lacked anything approaching adequate furniture. This condition results because almost nothing is spent on special grants in New York. In October, 1965, a typical month, the Department of Welfare spent only \$2.50 per recipient for heavy clothing and \$1.30 for household furnishings. Taken together, grants of this kind amounted in 1965 to a mere \$40 per person, or a total of \$20 million for the entire year. Considering the real needs of families, the successful demand for full entitlements could multiply these expenditures tenfold or more—and that would involve the disbursement of many millions of dollars indeed.

One must be cautious in making generalizations about the prospects for this strategy in any jurisdiction unless the structure of welfare practices has been examined in some detail. We can, however, cite other studies conducted in other places to show that New York practices are not atypical. In Detroit, for example, Greenleigh Associates studied a large sample of households in a low-income district in 1965. Twenty per cent were already receiving assistance, but 35 per cent more were judged to need it. Although the authors made no strict determination of the eligibility of these families under the laws of Michigan, they believed that "larger numbers of persons were eligible than receiving." A good many of these families did not know that public assistance was available; others thought they would be deemed ineligible; not a few were ashamed or afraid to ask.

Similar deprivations have been shown in nation-wide studies. In 1963, the federal government carried out a survey based on a

national sample of 5,500 families whose benefits under Aid to Dependent Children had been terminated. Thirty-four per cent of these cases were *officially in need of income at the point of closing*; this was true of 30 per cent of the white and 44 per cent of the Negro cases. The chief basis for termination given in local department records was "other reasons" (i.e., other than improvement in financial condition, which would make dependence on welfare unnecessary). Upon closer examination, these "other reasons" turned out to be "unsuitable home" (i.e., the presence of illegitimate children), "failure to comply with departmental regulations" or "refusal to take legal action against a putative father." (Negroes were especially singled out for punitive action on the ground that children were not being maintained in "suitable homes.") The amounts of money that people are deprived of by these injustices are very great.

In order to generate a crisis, the poor must obtain benefits which they have forfeited. Until now, they have been inhibited from asserting claims by self-protective devices within the welfare system: its capacity to limit information, to intimidate applicants, to demoralize recipients, and arbitrarily to deny lawful claims.

Ignorance of welfare rights can be attacked through a massive educational campaign. Brochures describing benefits in simple, clear language, and urging people to seek their full entitlements, should be distributed door to door in tenements and public housing projects, and deposited in stores, schools, churches and civic centers. Advertisements should be placed in newspapers; spot announcements should be made on radio. Leaders of social, religious, fraternal and political groups in the slums should also be enlisted to recruit the eligible to the rolls. The fact that the campaign is intended to inform people of their legal rights under a government program, that it is a civic education drive, will lend it legitimacy.

But information alone will not suffice. Organizers will have to become advocates in order to deal effectively with improper rejections and terminations. The advocate's task is to appraise the circumstances of each case, to argue its merits before welfare, to threaten legal action if satisfaction is not given. In some cases, it will be necessary to contest decisions by requesting a "fair hearing" before the appropriate state supervisory agency; it may occasionally be necessary to sue for redress in the courts. Hearings and court actions will require lawyers, many of whom, in cities like New York, can be recruited on a voluntary basis, especially under the banner of a movement to end poverty by a strategy of asserting legal rights. However, most cases will not require an expert knowledge of law, but only of welfare regulations; the rules can be learned by laymen, including welfare recipients themselves (who can help to man "information and advocacy" centers). To aid workers in these centers, handbooks should be prepared describing welfare rights and the tactics to employ in claiming them.

Advocacy must be supplemented by organized demonstrations to create a climate of militancy that will overcome the individual and immobilizing attitudes which many potential recipients hold toward being "on welfare." In such a climate, many more poor people are likely to become their own advocates and will not need to rely on aid from organizers.

As the crisis develops, it will be important to use the mass media to inform the broader liberal community about the inefficiencies and injustices of welfare. For example, the system will not be able to process many new applicants because of cumbersome and often unconstitutional investigatory procedures (which cost 20c for every dollar disbursed).

As delays mount, so should the public demand that a simplified affidavit supplant these procedures, so that the poor may certify to their condition. If the system reacts by making the proof of eligibility more difficult, the demand should be made that the Department of Health, Education and Welfare dispatch "eligibility registrars" to enforce federal statutes governing local programs. And throughout the crisis, the mass media should be used to advance arguments for a new federal income distribution program.²

Although new resources in organizers and funds would have to be developed to mount this campaign, a variety of conventional agencies in the large cities could also be drawn upon for help. The idea of "welfare rights" has begun to attract attention in many liberal circles. A number of organizations, partly under the aegis of the "war against poverty," are developing information and advocacy services for low-income people [see "Poverty, Injustice and the Welfare State" by Richard A. Cloward and Richard M. Elman, *The Nation*, issues of February 28 and March 7]. It is not likely that these organizations will directly participate in the present strategy, for obvious political reasons. But whether they participate or not, they constitute a growing network of resources to which people can be referred for help in establishing and maintaining entitlements. In the final analysis, it does not matter who helps people to get on the rolls or to get additional entitlements, so long as the job is done.

Since this plan deals with problems of great immediacy in the lives of the poor, it should motivate some of them to involve themselves in regular organizational activities. Welfare recipients, chiefly ADC mothers, are already forming federations, committees and councils in cities across the nation; in Boston, New York, Newark, Cleveland, Chicago, Detroit and Los Angeles, to mention a few. Such groups typically focus on obtaining full entitlements for existing recipients rather than on recruiting new recipients, and they do not yet comprise a national movement. But their very existence attests to a growing readiness among ghetto residents to act against public welfare.

To generate an expressly political movement, cadres of aggressive organizers would have to come from the civil rights movement and the churches, from militant low-income organizations like those formed by the Industrial Areas Foundation (that is, by Saul Alinsky), and from other groups on the Left. These activists should be quick to see the difference between programs to redress individual grievances and a large-scale social-action campaign for national policy reform.

Movements that depend on involving masses of poor people have generally failed in America. Why would the proposed strategy to engage the poor succeed?

First, this plan promises immediate economic benefits. This is a point of some importance because, whereas America's poor have not been moved in any number by radical political ideologies, they have sometimes been moved by their economic interests. Since radical movements in America have rarely been able to provide visible economic incentives, they have usually failed to secure mass participation of any kind. The conservative "business unionism" of organized labor is explained by this fact, for membership enlarged only as unionism paid off in

² In public statements, it would be important to distinguish between the income distributing function of public welfare, which should be replaced by new federal measures, and many other welfare functions, such as foster care and adoption services for children, which are not at issue in this strategy.

material benefits. Union leaders have understood that their strength derives almost entirely from their capacity to provide economic rewards to members. Although leaders have increasingly acted in political spheres, their influence has been directed chiefly to matters of governmental policy affecting the well-being of organized workers. The same point is made by the experience of rent strikes in Northern cities. Their organizers were often motivated by radical ideologies, but tenants have been attracted by the promise that housing improvements would quickly be made if they withheld their rent.

Second, for this strategy to succeed, one need not ask more of most of the poor than that they claim lawful benefits. Thus the plan has the extraordinary capability of yielding mass influence *without* mass participation, at least as the term "participation" is ordinarily understood. Mass influence in this case stems from the consumption of benefits and does not require that large groups of people be involved in regular organizational roles.

Moreover, this kind of mass influence is cumulative because benefits are continuous. Once eligibility for basic food and rent grants is established, the drain on local resources persists indefinitely. Other movements have failed precisely because they could not produce continuous and cumulative influence. In the Northern rent strikes, for example, tenant participation depended largely on immediate grievances; as soon as landlords made the most minimal repairs, participation fell away and with it the impact of the movement. Efforts to revive tenant participation by organizing demonstrations around broader housing issues (e.g., the expansion of public housing) did not succeed because the incentives were not immediate.

Third, the prospects for mass influence are enhanced because this plan provides a practical basis for coalition between poor whites and poor Negroes. Advocates of low-income movements have not been able to suggest how poor whites and poor Negroes can be united in an expressly lower-class movement. Despite pleas of some Negro leaders for joint action on programs requiring integration, poor whites have steadfastly resisted making common cause with poor Negroes. By contrast, the benefits of the present plan are as great for whites as for Negroes. In the big cities, at least, it does not seem likely that poor whites, whatever their prejudices against either Negroes or public welfare, will refuse to participate when Negroes aggressively claim benefits that are unlawfully denied to them as well. One salutary consequence of public information campaigns to acquaint Negroes with their rights is that many whites will be made aware of theirs. Even if whites prefer to work through their own organizations and leaders, the consequences will be equivalent to joining with Negroes. For if the object is to focus attention on the need for new economic measures by producing a crisis over the dole, anyone who insists upon extracting maximum benefits from public welfare is in effect part of a coalition and is contributing to the cause.

The ultimate aim of this strategy is a new program for direct income distribution. What reason is there to expect that the federal government will enact such legislation in response to a crisis in the welfare system?

We ordinarily think of major legislation as taking form only through established electoral processes. We tend to overlook the force of crisis in precipitating legislative reform, partly because we lack a theoretical framework by which to understand the impact of major disruptions.

By crisis, we mean a *publicly visible* disruption in some institutional sphere. Crisis can occur spontaneously (e.g., riots) or as the intended result of tactics of demonstra-

tion and protest which either generate institutional disruption or bring unrecognized disruption to public attention. Public trouble is a political liability; it calls for action by political leaders to stabilize the situation. Because crisis usually creates or exposes conflict, it threatens to produce cleavages in a political consensus which politicians will ordinarily act to avert.

Although crisis impels political action, it does not itself determine the selection of specific solutions. Political leaders will try to respond with proposals which work to their advantage in the electoral process. Unless group cleavages form around issues and demands, the politician has great latitude and tends to proffer only the minimum action required to quell disturbances without risking existing electoral support. Spontaneous disruptions, such as riots, rarely produce leaders who articulate demands; thus no terms are imposed, and political leaders are permitted to respond in ways that merely restore a semblance of stability without offending other groups in a coalition.

When, however, a crisis is defined by its participants—or by other activated groups—as a matter of clear issues and preferred solutions, terms are imposed on the politicians' bid for their support. Whether political leaders then design solutions to reflect these terms depends on a twofold calculation: first, the impact of the crisis and the issues it raises on existing alignments and, second, the gains or losses in support to be expected as a result of a proposed resolution.

As to the impact on existing alignments, issues exposed by a crisis may activate new groups, thus altering the balance of support and opposition on the issues; or it may polarize group sentiments altering the terms which must be offered to insure the support of given constituent groups. In framing resolutions, politicians are more responsive to group shifts and are more likely to accommodate to the terms imposed when electoral coalitions threatened by crisis are already uncertain or weakening. In other words, the politician responds to group demands, not only by calculating the magnitude of electoral gains and losses, but by assessing the impact of the resolution on the stability of existing or potential coalitions. Political leaders are especially responsive to group shifts when the terms of settlement can be framed so as to shore up an existing coalition, or as a basis for the development of new and more stable alignments without jeopardizing existing support. Then, indeed, the calculation of net gain is most secure.

The legislative reforms of the depression years, for example, were impelled not so much by organized interests exercised through regular electoral processes as by widespread economic crisis. That crisis precipitated the disruption of the regionally based coalitions underlying the old national parties. During the realignments of 1932, a new Democratic coalition was formed, based heavily on urban working-class groups. Once in power, the national Democratic leadership proposed and implemented the economic reforms of the New Deal. Although these measures were a response to the imperative of economic crisis, the types of measures enacted were designed to secure and stabilize the new Democratic coalition.

The civil rights movement, to take a recent case, also reveals the relationship of crisis and electoral conditions in producing legislative reform. The crisis in the South took place in the context of a weakening North-South Democratic coalition. The strains in that coalition were first evident in the Dixiecrat desertion of 1948, and continued through the Eisenhower years as the Republicans gained ground in the Southern states. Democratic party leaders at first

tried to hold the dissident South by warding off the demands of enlarging Negro constituencies in Northern cities. Thus for two decades the national Democratic Party campaigned on strongly worded civil rights planks but enacted only token measures. The civil rights movement forced the Democrats' hand: a crumbling Southern partnership was forfeited, and major civil rights legislation was put forward, designed to insure the support of Northern Negroes and liberal elements in the Democratic coalition. That coalition emerged strong from the 1964 election, easily able to overcome the loss of Southern states to Goldwater. At the same time, the enacted legislation, particularly the Voting Rights Act, laid the ground for a new Southern Democratic coalition of moderate whites and the hitherto untapped reservoir of Southern Negro voters.

The electoral context which made crisis effective in the South is also to be found in the big cities of the nation today. Deep tensions have developed among groups comprising the political coalition of the large cities—the historic stronghold of the Democratic Party. As a consequence, urban politicians no longer turn in the vote to national Democratic candidates with unfailing regularity. The marked defections revealed in the elections of the 1950's and which continued until the Johnson landslide of 1964 are a matter of great concern to the national party. Precisely because of this concern, a strategy to exacerbate still further the strains in the urban coalition can be expected to evoke a response from national leaders.

The weakening of the urban coalition is a result of many basic changes in the relationship of local party leadership to its constituents. First, the political machine, the distinctive and traditional mechanism for forging alliances among competing groups in the city, is now virtually defunct in most cities. Successive waves of municipal reform have deprived political leaders of control over the public resources—jobs, contracts, services and favors—which machine politicians formerly dispensed to voters in return for electoral support. Conflicts among elements in the urban Democratic coalition, once held together politically because each secured a share of these benefits, cannot now be so readily contained. And as the means of placating competing groups have diminished, tensions along ethnic and class lines have multiplied. These tensions are being intensified by the encroachments of an enlarging ghetto population on jobs, schools and residential areas. Big-city mayors are thus caught between antagonistic working-class ethnic groups, the remaining middle class, and the rapidly enlarging minority poor.

Second, there are discontinuities in the relationship between the urban party apparatus and its ghetto constituents which have so far remained unexposed but which a welfare crisis would force into view. The ghetto vote has been growing rapidly and has so far returned overwhelming Democratic majorities. Nevertheless, this voting bloc is not fully integrated in the party apparatus, either through the representation of its leaders or the accommodation of its interests.

While the urban political apparatus includes members of new minority groups, these groups are by no means represented according to their increasing proportions in the population. More important, elected representation alone is not an adequate mechanism for the expression of group interests. Influence in urban politics is won not only at the polls but through the sustained activity of organized interests—such as labor unions, home-owner associations and business groups. These groups keep watch over the complex operations of municipal agencies, recognizing issues and regularly assert-

ing their point of view through meetings with public officials, appearances at public hearings and the like, and by exploiting a whole array of channels of influence on government. Minority constituencies—at least the large proportion of them that are poor—are not regular participants in the various institutional spheres where organized interest groups typically develop. Thus the interests of the mass of minority poor are not protected by associations which make their own or other political leaders responsive by continuously calling them to account. Urban party organizations have become, in consequence, more an avenue for the personal advancement of minority political leaders than a channel for the expression of minority-group interests. And the big-city mayors, struggling to preserve an uneasy urban consensus, have thus been granted the slack to evade the conflict-generating interests of the ghetto. A crisis in public welfare would expose the tensions latent in this attenuated relationship between the ghetto vote and the urban party leadership, for it would thrust forward ghetto demands and back them with the threat of defections by voters who have so far remained both loyal and quiescent.

In the face of such a crisis, urban political leaders may well be paralyzed by a party apparatus which ties them to older constituent groups, even while the ranks of these groups are diminishing. The national Democratic leadership, however, is alert to the importance of the urban Negro vote, especially in national contests where the loyalty of other urban groups is weakening. Indeed, many of the legislative reforms of the Great Society can be understood as efforts, however feeble, to reinforce the allegiance of growing ghetto constituencies to the national Democratic Administration. In the thirties, Democrats began to put forward measures to circumvent the states in order to reach the big-city elements in the New Deal coalition; now it is becoming expedient to put forward measures to circumvent the weakened big-city mayors in order to reach the new minority poor.

Recent federal reforms have been impelled in part by widespread unrest in the ghetto, and instances of more aggressive Negro demands. But despite these signs that the ghetto vote may become less reliable in the future, there has been as yet no serious threat of massive defection. The national party has therefore not put much pressure on its urban branches to accommodate the minority poor. The resulting reforms have consequently been quite modest (e.g., the war against poverty, with its emphasis on the "involvement of the poor," is an effort to make the urban party apparatus somewhat more accommodating).

A welfare crisis would, of course, produce dramatic local political crisis, disrupting and exposing rifts among urban groups. Conservative Republicans are always ready to declaim the evils of public welfare, and they would probably be the first to raise a hue and cry. But deeper and politically more telling conflicts would take place within the Democratic coalition. Whites—both working-class ethnic groups and many in the middle class—would be aroused against the ghetto poor, while liberal groups, which until recently have been comforted by the notion that the poor are few and, in any event, receiving the beneficent assistance of public welfare, would probably support the movement. Group conflict, spelling political crisis for the local party apparatus, would thus become acute as welfare rolls mounted and the strains on local budgets became more severe. In New York City, where the Mayor is now facing desperate revenue shortages, welfare expenditures are already second only to those for public education.

It should also be noted that welfare costs are generally shared by local, state and federal governments, so that the crisis in the cities would intensify the struggle over revenues that is chronic in relations between cities and states. If the past is any predictor of the future, cities will fail to procure relief from this crisis by persuading states to increase their proportionate share of urban welfare costs, for state legislatures have been notoriously unsympathetic to the revenue needs of the city (especially where public welfare and minority groups are concerned).

If this strategy for crisis would intensify group cleavages, a federal income solution would not further exacerbate them. The demands put forward during recent civil rights drives in the Northern cities aroused the opposition of huge majorities. Indeed, such fierce resistance was evoked (e.g., school boycotts followed by counter-boycotts), that accessions by political leaders would have provoked greater political turmoil than the protests themselves, for profound class and ethnic interests are at stake in the employment, educational and residential institutions of our society. By contrast, legislative measures to provide direct income to the poor would permit national Democratic leaders to cultivate ghetto constituencies without unduly antagonizing other urban groups, as is the case when the battle lines are drawn over schools, housing or jobs. Furthermore, a federal income program would not only redeem local governments from the immediate crisis but would permanently relieve them of the financially and politically onerous burdens of public welfare—a function which generates support from none and hostility from many, not least of all welfare recipients.

We suggest, in short, that if pervasive institutional reforms are not yet possible, requiring as they do expanded Negro political power and the development of new political alliances, crisis tactics can nevertheless be employed to secure particular reforms in the short run by exploiting weaknesses in current political alignments. Because the urban coalition stands weakened by group conflict today, disruption and threats of disaffection will count powerfully, provided that national leaders can respond with solutions which retain the support of ghetto constituencies while avoiding new group antagonisms and bolstering the urban party apparatus. These are the conditions, then, for an effective crisis strategy in the cities to secure an end to poverty.

No strategy, however confident its advocates may be, is foolproof. But if unforeseen contingencies thwart this plan to bring about new federal legislation in the field of poverty, it should also be noted that there would be gains even in defeat. For one thing, the plight of many poor people would be somewhat eased in the course of an assault upon public welfare. Existing recipients would come to know their rights and how to defend them, thus acquiring dignity where none now exists; and millions of dollars in withheld welfare benefits would become available to potential recipients now—not several generations from now. Such an attack should also be welcome to those currently concerned with programs designed to equip the young to rise out of poverty (e.g., Head Start), for surely children learn more readily when the oppressive burden of financial insecurity is lifted from the shoulders of their parents. And those seeking new ways to engage the Negro politically should remember that public resources have always been the fuel for low-income urban

political organization. If organizers can deliver millions of dollars in cash benefits to the ghetto masses, it seems reasonable to expect that the masses will deliver their loyalties to their benefactors. At least, they have always done so in the past.

IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA—CIVIL ACTION No. 1447-66

(*Patricia A. Smith, 46 Pierce Street, Northwest, Washington, D.C., and Dora M. Crowder, 50 O Street, Northwest, Apartment 2, Washington, D.C., individually and on behalf of all others similarly situated, plaintiffs v. The Board of Commissioners of the District of Columbia; Walter N. Tobriner, individually and as President of the Board of Commissioners of the District of Columbia; John B. Duncan, Brig. Gen. C. M. Duke, individually and as members of the Board of Commissioners of the District of Columbia; Donald D. Brewer, individually and as Director of the Department of Public Welfare of the District of Columbia; Donald Gray, individually and as Chief of the Public Assistance Division, Department of Public Welfare of the District of Columbia; William R. Galvin, individually and as Chief of the Office of Investigations and Collections, Department of Public Welfare of the District of Columbia; Joseph Klugewicz, Danaa Froe, individually and as investigators employed by the Department of Public Welfare of the District of Columbia, defendants.*)

COMPLAINT (FOR DECLARATORY AND INJUNCTIVE RELIEF)

1. This action is brought under 42 USC 1983 for declaratory and injunctive relief to redress deprivation under color of District of Columbia laws, statutes, ordinances, regulations, customs and usages of rights, privileges, and immunities secured by the First, Third, Fourth, Fifth, and Ninth Amendments to the Constitution of the United States, and by 42 USC 601 et seq. Jurisdiction is conferred on this Court by Title 28, Sections 1651, 1343, 2201, and 2202 of the United States Code.

2. Plaintiffs are adult citizens of the United States, residents of the District of Columbia, are, and were at all times herein relevant, mothers of needy children receiving assistance under the District of Columbia's Aid to Families with Dependent Children (hereinafter referred to as AFDC) program promulgated, administered, supervised, and executed by defendants, under color of laws, statutes, ordinances, regulations, customs and usages of or pertaining to the District of Columbia.

3. Plaintiffs are members of a class composed of hundreds of District of Columbia resident mothers of needy children who are recipients of assistance under the AFDC program of the District of Columbia, and who in connection with the administration and execution of said program have been, are, and continue to be threatened with, and subjected by defendants, either directly or by persons acting under their authority or as their agents, to invasions of rights secured by the Constitution of the United States, and of laws of or pertaining to the District of Columbia. Plaintiffs bring this action on behalf of themselves and on behalf of all persons constituting the above described class who are similarly situated. Such persons number in the hundreds and it is therefore impractical to bring them all before the Court, but there is a common question of law and fact, and a common relief for the entire class is sought, and plaintiffs fairly insure adequate representation of the entire class above described.

4. Defendants: (a) Defendant Board of Commissioners, pursuant to the provisions of D.C. Code 3-202 et seq. (Supp V) is vested with the duty of administering the District

of Columbia Public Assistance Act of 1962, which authorizes the AFDC program, and establishing and enforcing rules and regulations to carry out these provisions. Defendants Walter N. Tobriner, John B. Duncan, and Brig. Gen. Charles M. Duke are members of and constitute the defendant Board of Commissioners.

(b) Defendant Donald D. Brewer is and was during all the times in question herein Director of the Department of Public Welfare of the District of Columbia, an agency of the Government of the District of Columbia which has exclusive responsibility for the administration of AFDC, and whose agents enforced the policies and conducted the practices herein complained of. The Director of the Department of Public Welfare performs all the functions vested in the Board of Commissioners by the District of Columbia Public Assistance Act of 1962, except the adoption and promulgation of regulations (D.C. Code § 3-220 (Supp V); D.C. Code, Title I, Appendix, Reorg. Ord. No. 140 (Supp V)).

(c) Defendant Donald Gray is and was during all the times in question herein Chief of the Public Assistance Division of the Department of Public Welfare, which Division has been delegated responsibility for determining initial and continuing eligibility of plaintiffs and all others similarly situated to receive AFDC benefits.

(d) Defendant William R. Galvin is and was during all the times in question herein the Chief of the Office of Investigations and Collections, which office is responsible for the supervision and conduct of the agents employed within his office who executed the policies and engaged in the practices herein complained of.

(e) Defendants Joseph Klugewicz and Danaa Froe are investigators in the Office of Investigations and Collections, and personally executed the policies and engaged in the practices specifically complained of by plaintiff Patricia A. Smith.

5. At all times here relevant, defendants, and each of them, were officials, employees, agents, or otherwise instruments of the Government of the District of Columbia and had a legal duty to administer, operate and execute the AFDC program of the District of Columbia, as authorized by D.C. Code 3-202 et seq. (supp. V), in a manner not inconsistent with the laws of or pertaining to the District of Columbia, the Social Security Act (42 USC 601 et seq.), and in a manner so as not to deprive plaintiffs and those similarly situated of rights secured by the Constitution of the United States. Notwithstanding, defendants, and each of them have to the detriment of plaintiffs and those similarly situated administered, operated, and executed the AFDC program of the District of Columbia, in a manner inconsistent with the laws of or pertaining to the District of Columbia, and the Social Security Act, and in a manner which has deprived plaintiffs and those similarly situated of the right to privacy, the right to counsel, the right not to be compelled to give evidence against themselves, the right to be free from unreasonable searches, the right to freedom of association, and the right to be free from oppressive, arbitrary and capricious governmental action, as secured by the First, Third, Fourth, Fifth and Ninth Amendments to the Constitution of the United States.

6. On numerous occasions between 1961 and March 14, 1966, defendants Joseph Klugewicz and Danaa Froe and unknown investigators of the District of Columbia Department of Public Welfare, acting under color of the laws, statutes, ordinances, regulations, customs and usages of or pertaining to the District of Columbia, and further acting in concert and participation with, under the orders, direction, control and supervision of,

² It should also be noted that the federal government, unlike local jurisdictions, has taxing powers which yield substantially increased revenues as an automatic by-product of increases in national income.

and pursuant to practices and procedures established by defendants named herein, and by each of them and further acting without authority of law, without the consent of plaintiffs, and in the absence of plaintiffs' waiver of any rights secured by the Constitution of the United States, or by the laws of or pertaining to the District of Columbia, and under conditions and in a manner inconsistent with the laws of or pertaining to the District of Columbia, the Social Security Act, and in deprivation of the aforesaid rights secured by the aforesaid amendments of the Constitution of the United States, entered upon plaintiff's premises, conducted unreasonable searches thereof, interrogated plaintiffs thereon about plaintiffs' participation in criminal activity, conducted interrogations of plaintiffs' guests thereon, interrogated plaintiffs about their sexual activity thereon, placed their ears against plaintiffs' door and eavesdropped upon plaintiffs, maintained harassing surveillances of plaintiffs and plaintiffs' premises, and otherwise engaged in oppressive, arbitrary and capricious conduct which denied plaintiffs due process of law.

7. Plaintiffs have never consented to the acts of the defendants herein complained of, but defendants have always demanded that plaintiffs allow deprivation of the rights herein alleged to be secured as a condition precedent to continuing receipt of benefits under the AFDC program of the District of Columbia, and if plaintiffs actively resist the aforesaid acts and demands of defendants, and if plaintiffs assert the rights which are herein alleged to be secured, defendants threaten to and will terminate plaintiffs' benefits received under the AFDC program of the District of Columbia.

8. Plaintiffs have not actively opposed the aforesaid acts, demands, and intrusions of defendants, but have submitted to defendants' assertion of authority because of fear created in plaintiffs by defendants that any other course would result in termination of plaintiffs' benefits received under the AFDC program of the District of Columbia.

9. Plaintiffs are informed and believe, and therefore aver, that the conduct of defendants perpetrated upon plaintiffs is in like manner perpetrated upon members constituting the class hereinbefore described, of which plaintiffs are members.

10. Defendants threaten to continue the conduct herein complained of, and plaintiffs suffer, and will continue to suffer, irreparable injury for which there is no adequate remedy at law, unless this Court declares the rights of plaintiffs and those similarly situated, and enjoins the unlawful conduct of defendants.

PRAYER FOR RELIEF

Wherefore, plaintiffs respectfully pray on behalf of themselves and those similarly situated that this Honorable Court declare:

1. That the administration, operation and execution by the defendants of the AFDC program of the District of Columbia as herein alleged is in violation of rights, privileges and immunities secured to the plaintiffs and others similarly situated by the Constitution and laws of the United States, specifically, the right to privacy, the right to counsel, the right not to be compelled to give evidence against themselves, the right to be free from unreasonable searches, the right to freedom of association, and the right to be free from oppressive, arbitrary and capricious governmental action, as secured by the First, Third, Fourth, Fifth and Ninth Amendments to the Constitution of the United States;

2. That defendants, their agents and successors, and all persons acting in concert and participation with them, may not enter into the dwelling places of plaintiffs and others similarly situated for the purpose of conducting investigations without (1) obtaining a valid search warrant issued upon probable

cause, or (2) without obtaining the freely given consent of plaintiffs or others similarly situated, having first specifically informed plaintiffs or others similarly situated of their right to refuse admittance.

3. That defendants, their agents and successors, and all persons acting in concert and participation with them, may not lawfully terminate, suspend or in any way diminish the AFDC benefits of plaintiffs or others similarly situated in the District of Columbia because of their refusal to admit defendants to their dwelling places, or otherwise exercise their rights, privileges and immunities under the Constitution and laws of the United States.

And for further relief, plaintiffs respectfully pray on behalf of themselves and all others similarly situated that this Honorable Court enter a permanent injunction enjoining defendants, their agents and successors, and all persons acting in concert and participation with them:

1. From entering into the dwelling places of plaintiffs and other similarly situated for the purpose of conducting investigations (a) without obtaining a valid search warrant issued upon probable cause, or (b) without obtaining the freely given consent of plaintiffs or other similarly situated, having first specifically informed plaintiffs or others similarly situated of their right to refuse admittance;

2. From terminating, suspending or in any way diminishing the AFDC benefits of plaintiffs or others similarly situated in the District of Columbia because of their refusal to admit defendants to their dwelling places, or otherwise to exercise their rights, privileges and immunities under the Constitution and laws of the United States.

Plaintiffs further pray that this Honorable Court will allow them their costs herein and grant such other additional or alternative relief as may appear to the Court to be equitable and just.

PATRICIA A. SMITH.

HUGH GAVIN DUFFY,
Neighborhood Legal Services Project,
DORA M. CROWDER.

FRANCIS A. CUNNING,
Neighborhood Legal Services Project,
Attorneys for Plaintiffs.

Of counsel: Edward V. Sparer, New York, N.Y.

VERIFICATION

DISTRICT OF COLUMBIA, ss:

I, Patricia A. Smith, being first duly sworn depose and say that I am one of the plaintiffs in the within action; that I have read the foregoing complaint and know the contents thereof; that the same is true to my knowledge, except as to matters therein stated to be alleged on information and belief, and that as to those matters I believe them to be true.

PATRICIA A. SMITH.

DISTRICT OF COLUMBIA, ss:

I, Dora M. Crowder, being first duly sworn, depose and say that I am one of the plaintiffs in the within action; that I have read the foregoing complaint and know the contents thereof; that the same is true to my own knowledge, except as to matters therein stated to be alleged on information and belief, and that as to those matters I believe them to be true.

DORA M. CROWDER.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA—CIVIL ACTION No. 1447-66

(Patricia A. Smith, 46 Pierce Street, N.W., Washington, D.C., and Dora M. Crowder, 50 O Street, N.W., #2, Washington, D.C., individually and on behalf of all others similarly situated, plaintiffs versus the Board of Commissioners of the District of Columbia; Walter N. Tobriner, individually and as Pres-

ident of the Board of Commissioners of the District of Columbia; John B. Duncan, Brig. Gen. C. M. Duke, Individually and as members of the Board of Commissioners of the District of Columbia; Donald D. Brewer, individually and as Director of the Department of Public Welfare of the District of Columbia; Donald Gray, individually and as Chief of the Public Assistance Division, Department of Public Welfare of the District of Columbia; William R. Galvin, individually and as Chief of the Office of Investigations and Collections, Department of Public Welfare of the District of Columbia; Joseph Klugewicz, Danaa Froe, individually and as investigators employed by the Department of Public Welfare of the District of Columbia, defendants.)

DEPENDENTS' MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT OR, FURTHER IN THE ALTERNATIVE, FOR A MORE DEFINITE STATEMENT

Preliminary statement

Plaintiffs allege that they are mothers of needy children receiving assistance under the District of Columbia's Aid For Dependent Children Program. Plaintiffs alleged they have been, are, and continue to be threatened with invasions of rights secured them by the Constitution of the United States. Plaintiffs allege deprivation of their constitutional rights of privacy, of counsel, of association, of not being compelled to give evidence against themselves, to be free from unreasonable searches, and to be free from oppressive, arbitrary, and capricious governmental action. Plaintiffs alleged these rights are secured by the First, Third, Fourth, Fifth, and Ninth Amendments to the Constitution. Plaintiffs' complaint alleges jurisdiction under Title 42 U.S.C., § 1983 and Title 28 U.S.C., §§ 2201 and 2202. The complaint is for declaratory and injunctive relief.

I. The complaint fails to contain a short and plain statement of the claim showing that the party is entitled to relief

Rule 8(a) of the Federal Rules of Civil Procedure states, in part, that a pleading "shall contain . . . (2) a short and plain statement of the claim showing that the pleader is entitled to relief. . . ."

The complaint is replete with innuendo and inference. Defendants are alleged to have operated the Aid for Dependent Children Program to the "detriment" of the plaintiffs; nowhere is there any allegation as to what the detriment was or is. Defendants are alleged to have "deprived" the plaintiffs of the aforementioned constitutional privileges, but nowhere is it alleged in what manner these privileges have been deprived.

The only allegation of any substance relates to "numerous occasions between 1961 and March 14, 1966" and relates to only two of the defendants named herein and "unknown investigators" (unknown to defendants, as well) and iterates the charges of deprivations of constitutional rights. A mere reading of this allegation exhibits the vagueness, indecisiveness, looseness, and unspecificity which permeates the entire pleading.

At no point, even in the last mentioned allegation, is there any reference to the manner or time in which these deprivations occurred or the injury suffered by these plaintiffs.

II. Jurisdiction under title 42 U.S.C. § 1983

These plaintiffs allege deprivation of constitutional rights by the defendants who are all municipal officers or employees acting under the provisions of Federal and local laws, rules, and regulations.

(a) It is unquestioned that no action may be brought under this section to challenge Federal rules and regulations. It is the position of these defendants that the majority of the administrative decisions, rules, and

regulations promulgated by them are "under color of" *Federal law*, 42 U.S.C. 601 et seq., (The Social Security Act)

(b) A grave question is presented as to whether or not a public official performing within the scope of this authority is subject to the civil remedy provided by Title 42 § 1983. In *Basista v. Weir*, 225 F. Supp. 619 (W. D. Penna., 1964) the court stated:

"When a public official performs within the scope of his authority, regardless of motives with which he performs his duties, he is immune from civil suit based on such acts. But where his act is outside the scope of his powers and beyond his authority, he is liable for the consequences of his action.

"While, however, this chapter of the Act was enacted to protect the civil rights of individuals, it was not enacted to discipline local law enforcement officers . . . in any event, this chapter should be so construed as to respect the proper balance between the states and the federal government in law enforcement. . . ." at 625.

On appeal, *Basista v. Weir*, 340 F. 2d 74, (3rd Cir., 1965 reversed on other grounds), the court said, on this point:

" . . . The statutory words 'under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory' do not exclude from the purview of the Civil Rights statutes acts of an official who can show no authority for what he does. . . ." (Emphasis added) at 80.

Although the instant suit is not directed to an "enforcement officer", several of the defendants are in effect enforcing the provisions of the Public Assistance Program in the District of Columbia and their position is arguably analogous.

It is not the position of these defendants that every officer should be immune under the statute for every act. The defendants, however, are of the opinion that: "This statute is aimed at reprehensible action on the part of the defendant in the civil action authorized by it." *Striker v. Pancher*, 317 F. 2d 780 (6th Cir., 1963) (Emphasis added), at 784. However, no such reprehensible actions, as outlined in *Striker, supra*, exist or are alleged to exist in this pleading.

(b) The defendants further stand on the proposition announced in *Thomas v. Chamberlain*, 143 F. Supp. 671, (E.D. Tenn., S.D., 1955) which is that:

"The plaintiff's right to recover is not affected by the validity or invalidity of the Ordinance. Sections 1983 and 1985(3) of Title 42 U.S.C.A., under which the plaintiff sues, predicate liability upon deprivation of federal rights by virtue of acts under color of law, not upon the validity or invalidity of the law under color of which the defendants acted; and because no presumption of improper motive may be ascribed to ministerial official acts solely by reason of the unconstitutionality of the statute under which they were taken." (Emphasis added.) at 674.

(c) A reading of the complaint, with the verbiage explicated, seems to allege violations which would be more properly brought under laws which have not been averred.

III. Jurisdiction under title 28 U.S.C. § 2201.

To bring an action within the purview of this procedural remedy, the plaintiff must establish that there is an actual controversy.

In the case of *Taylor v. Brotherhood of Railway and Steamship Clerks*, 106 F. Supp. 438, (1952), decided by this Court, it was stated:

"It is well established that the courts will entertain only actual controversies between parties having adverse legal interests of certainty and immediacy, and will not judicially determine abstract questions or render a decree upon a hypothetical state of facts framed for the purpose of invoking the advice of the court without a real case." at 442. (Emphasis added.)

The affidavit of Donald D. Brewer submitted in support of this motion establishes that there is no intent on the part of the Department of Public Welfare, at this time, to suspend, curtail, or terminate any benefits these plaintiffs are presently enjoying. Failing that, it is submitted, there is no actual controversy. An expression in *Pollack v. City of Newark*, 147 F. Supp. 35, (N.J., 1956, aff'd. 248 F. 2d 543 (3rd Cir. 1957)) seems appropriate at this time:

"Considering the complaint in a light most favorable to the movant-plaintiff, as the court must, the sole serious allegation found among a plethora of irrelevant, redundant, repetitious and impertinent matter is that defendants by words and conduct gave plaintiff 'an impression' that he was under arrest." at 38.

Here, the plaintiffs assert "defendants threaten to and will terminate plaintiff's benefits received under the A.F.D.C. Program of the District of Columbia," and that these plaintiffs "have not actively opposed . . . because of fear . . ."

Nowhere is it alleged what the basis for this fear is or what facts predicate to these plaintiffs the basis for their pleading.

Infringement of Constitutional Rights

Plaintiffs allege that the actions of the defendants violate certain rights, privileges, and equities secured by the First, Third, Fourth, Fifth, and Ninth Amendments to the Constitution of the United States.

(a) The First Amendment to the Constitution states in pertinent part:

"Congress shall make no law . . . abridging the freedom of speech, . . . or the right of the people peaceably to assemble. . . ."

It is here attempted to assimilate a relationship between the operation of the Public Assistance Program and an infringement of this Amendment as to these plaintiffs. Certainly, nowhere in the complaint is there a specific allegation as to how these rights have been abridged.

(b) The Third Amendment to the Constitution states:

"No Soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law."

The defendants, with due respect to the Court, consider that an answer to this allegation would be in the nature of answering a rhetorical question.

(c) The Fourth Amendment to the Constitution states that the people shall be secure against unreasonable searches and seizures. Defendants contend that the answer to this allegation is inherent in the statement thereof. Plaintiffs seek from this Court an order that no entries shall be made but have failed to convincingly present how any entry has been "unreasonable". Moreover, plaintiffs in their own pleading state:

"Plaintiffs have not actively opposed the aforesaid acts, demands, and intrusions of defendants, but have submitted to defendants' assertion of authority . . ."

Further, the plaintiffs aver ". . . they have not consented to the acts of the defendants. . . ."

In *Parrish v. The Civil Service Commission of the County of Alameda*, ----- Cal. App. 2d ----- P. 2d -----, (First Appellate District of California, Civil Action 22556, decided June 2, 1966) the Court stated:

"Even if we assume the operation to be a criminal investigation, it is not illegal or unreasonable for officers to seek interviews with suspects or witnesses or to call upon them at their homes for such purposes . . ." It is well established that where a person freely and voluntarily consents to the search of the premises under his control, his constitutional rights are not violated and any search or taking of evidence is not unreasonable." at 8.

Speaking to the issue of "consent", (which defendants in the instant case submit, has been extended on every occasion) the court further stated: ". . . we are not prepared to conclude, in the absence of a specific factual showing to the contrary, however, as in the Johnson case (*Johnson v. United States*, 333 U.S. 10 (1948)), that the ANC [AFDC] recipients had no alternative but to submit to a search."

Parrish decided particularly that the plaintiff, an employee of the Department of Public Welfare of Alameda County, could be removed from his job for failing to conduct an investigation ordered by his department to determine the continued eligibility for assistance by Welfare recipients. It may be noted at this point that Department regulations in force in the California case provided that workers were to "thoroughly search the premises, including looking in and under beds", a procedure which these defendants have, with particularity, excluded in home visits.

(d) The Fifth Amendment to the Constitution says in pertinent part: "No person shall . . . be compelled in any criminal case to be a witness against himself . . ." There is no allegation in this complaint to support the premise that investigations by defendants required by regulations of the United States Department of Health, Education, and Welfare, are in any degree criminal in nature. Using the language in *Parrish, supra*, "Even if we assume the operation to be a criminal investigation . . ." there is no indication that any statements taken in the process of the visit will be used in any criminal proceeding. The broadest interpretation of *Miranda v. State of Arizona*, 34 Law Week 4521, decided June 13, 1966, considered to be a liberal decision which is still subject to further interpretation, fails to be of any value to these plaintiffs since the regulations promulgated by these defendants establish that the identification of the investigator and his purpose must be announced.

(d) The Ninth Amendment to the Constitution reads:

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

"The only right which the Supreme Court has explicitly acknowledged as protected by this amendment is the right to engage in political activity. That recognition was accorded by way of *dictum* in *United Public Workers v. Mitchell*, where the powers of Congress to restrict the political activities of federal employees was sustained. *Constitution of the United States of America—Analysis and Interpretation*, 1963 Ed., Page 1031.

Investigations as an Incident to the Proper Administration of Public Policy.

Plaintiffs basically object to visits by members of the Office of Investigation and Collections of the Department of Public Welfare. Defendants urge upon this Court the language employed by the Court in *Parrish, supra*,

"We see nothing inherently wrong with making weekend eligibility calls [or home visits] which experience has demonstrated disclose widespread fraudulent misappropriation of public funds and the deprivation of the children for whose benefit the ANC (AFDC) Program was instituted." at 13.

It is repugnant to human knowledge and logic to believe that recipients of public assistance shall voluntarily report all matters necessary to their continued eligibility, honestly, and frankly upon a regular schedule to the Department. In view of this and experience the only dependable way to determine that the assistance is being used properly for the benefit of the children and that eligibility to receive this assistance continues, is to cause investigations to be made. The regulations promulgated by the defendants demand every consideration be given to the

human dignity, legal rights, and privileges of recipients. Nowhere in this complaint is there an allegation that any defendant has impugned or has specifically abused any rights or privileges of these plaintiffs.

Further the defendants urge upon this Court the language expressed by Justice Crosby in *Wilkie v. O'Connor*, 25 N.Y. Supp. 2d. 617, at 619. "One of appellant's arguments gathered from his brief, is that after the local welfare officer has once granted the petitioner a pension he has no control over the matter, and that his only duty is to pay the pension regularly, and that his power is limited to the performance of that duty. The Public Welfare Law clearly negatives that argument. Appellant also argues that he has a right to live as he pleases while being supported by public charity. One would admire his independence if he were not so dependent, but he has no right to defy the standards and conventions of civilized society while being supported at public expense . . ." Defendants also invite the attention of this Court to the words of the late Justice Holmes who said in *McAuliffe v. City of New Bedford*, 29 N.E. 517 (1892) ". . . The petitioner may have a constitutional right to talk politics, but he has no constitutional right to be a policeman."

Perhaps it is not, as Voltaire wrote, "The best of all possible worlds", and there are many who by birth or misfortune have been reduced to conditions of severity. However, while their position must be understood and their human dignity preserved, their position must be realistically evaluated to arrive at an understanding that to prevent the improper flow of monies from the public treasury to persons who do not genuinely need and deserve it, some system of control must be used. Further, there is a correlative duty upon the recipient to be cooperative in providing truthfully and expeditiously the minimal information required to establish continued assistance eligibility.

It is not urged that a recipient must at every hour and under every condition submit to intrusions to the sanctity of his or her home but it is urged that they must, by virtue of their own agreements, voluntarily signed, when applying for receipt of welfare assistance, allow reasonable visits at reasonable hours by officials of the Department of Public Welfare.

Conclusion

Based upon the foregoing it is respectfully urged that the present complaint be dismissed or, in the alternative, that defendants' motion for summary judgment be granted or, further in the alternative, that plaintiffs prepare and present a more definite statement describing the acts complained of and the injury or damage suffered thereby.

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JOHN A. EARNEST,
Assistant Corporation Counsel,
ROBERT M. WERDIG, JR.,
Assistant Corporation Counsel,
Attorneys for the District of Columbia.

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA—C.A. No.
1447-66

(Patricia A. Smith and Dora M. Crowder,
Plaintiffs, v. the Board of Commissioners, et
al., Defendants.)

AFFIDAVIT

Donald D. Brewer, being duly sworn under oath, deposes and says that he is the Director of the Department of Public Welfare, D.C., that no employee of his Department is authorized to enter upon the premises of any recipient of any program administered by

the Department without having first asked and received consent from said recipient to enter the premises.

Further, this affiant states that the plaintiffs in the instant action are not in jeopardy, at this time, of having suspended, curtailed, or terminated their benefits under the A.F.D.C. Program administered by the Department for refusing admission to their premises to members of the Office of Investigations and Collections, Department of Public Welfare, D. C.

DONALD D. BREWER,
Director, Department of Public Welfare,
District of Columbia.

(U.S. District Court for the District of Columbia, Civil Action 1447-66, Washington, D.C., Oct. 7, 1966)

PATRICIA A. SMITH, ET AL, PLAINTIFFS, v. THE BOARD OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA, ET AL, DEFENDANTS

OFFICIAL TRANSCRIPT OF PROCEEDINGS

The above cause came on for hearing of motions before the Honorable Alexander Holtzoff, United States District Judge.

Appearances:

For the Plaintiffs: David H. Marlin, Esq.
For the Defendants: Robert M. Werdig, Esq., Asst. Corporation Counsel.

PROCEEDINGS

The Deputy Clerk: Smith and others vs. D.C. Commissioners and others.

The Court: You may proceed, gentlemen.

Mr. Werdig: May it please the Court, my name is Robert M. Werdig, Jr. I am an Assistant Corporation Counsel in and for the District of Columbia.

Looking on the bulletin board outside of Your Honor's courtroom I notice there are motions to be argued this morning, one of which is the plaintiffs' motion for an extension of time to answer Motion No. 2.

The Court: That has become moot because the opposition has been filed.

Mr. Werdig: Thank you, Your Honor.

The Court: Now what motion do you have, Mr. Werdig?

Mr. Werdig: We have a pleading, Your Honor, which is entitled a motion to dismiss or in the alternative for summary judgment or further in the alternative for a more definite statement.

The Court: Which of these are you going to press? I am not going to make the election for you.

Mr. Werdig: May we address particularly at this time, Your Honor, the motion for summary judgment.

The Court: Very well.

Mr. Werdig: Incorporated in the pleadings, Your Honor, is an affidavit of Donald Brewer, who is the Director of the Department of Public Welfare.

Essentially this case has been brought by two mothers of children who are receiving assistance for dependent children pursuant to federal and local programs in the District of Columbia.

We assume that the gist of the pleading—and I use that terminology because if we get to the motion to dismiss we will attempt to convince Your Honor that the pleadings are ambiguous in the finest sense of the word.

The Court: I don't like to dispose of cases on technicalities.

Mr. Werdig: No, your Honor, we realize that, but if we have to approach that particular portion of it we shall give you substantive reasons why we have interjected this pleading.

Assuming that the essence of the argument by these mothers is unreasonable searches and seizures by investigators attached to the Department of Public Welfare, we submit in the sworn affidavit, first, that no investigator in the Department of Public Welfare in this city is allowed by the

regulations of the Department to make investigations which impinge upon constitutional rights.

Secondly, in the affidavit we have presented the proposition that these mothers, nor any other mothers in the District of Columbia, are subject to have any of their benefits reduced, terminated or otherwise altered by the mere refusal to allow investigators into their homes.

We might say—

The Court: Will you repeat that?

Mr. Werdig: That these two mothers particularly, and we represent to the Court that no other mother in the District of Columbia, is subject to having benefits terminated, reduced or in any other way altered by the mere refusal to allow investigators to come into their homes.

The Court: Well, I should think you would have a right to have investigators come into their homes.

Mr. Werdig: Your Honor, it is the Department's position that the flat, the express language of both regulations promulgated by the United States Department of Health, Education, and Welfare and the Act of Congress setting up the Public Assistance Act of 1962 directs the Department to make investigations. The thrust of the plaintiffs' argument is that these investigations have been conducted in such a manner as to be a violation of the First, Third, Fourth, Fifth, Ninth Amendments to the Constitution.

We urge upon the Court that the regulations of the Department set specific, critical, humane guidelines for the conduct of Public Welfare investigators.

The Court: I am not going to pass upon whether the regulations are sufficiently humane or not.

Isn't the administration of relief entirely discretionary on the part of the agency?

Mr. Werdig: I would not go so far as to say entirely discretionary. There are national guidelines.

The Court: I don't know what is meant by guidelines. Guidelines is an ambiguous term. Are they binding regulations or are they suggestions? A guideline might be a suggestion, it might be a regulation, or it might be a provision of law. You tell me there are guidelines. I don't know what you mean. You might mean one of several things.

Mr. Werdig: That to participate in the Federal program and receive Federal funds we must submit that which we have termed for nomenclature guidelines. Regulations, if you will, Your Honor, which must be accepted by the Department of Health, Education, and Welfare for our participation in the national program.

The Court: In order to get Federal funds, is that it?

Mr. Werdig: Yes, Your Honor; and from time to time we receive instructions which we consider are in the way of constructive suggestions, but yet we accept them as regulations and follow them to the best or in the best way that we possibly can.

We suggest to the Court, however, that if there have been violations of constitutional rights of these plaintiffs, that the Department itself, by virtue of its administrative process, is set up to hear any complaints against these investigators.

The Court: Of course nobody has a constitutional right to go on the relief rolls.

Mr. Werdig: Your Honor, in our brief or in our memorandum of authorities we quoted from a New York case which I think Your Honor in view of your last comment would be interested in hearing. This is an old case, which doesn't destroy its validity now, we contend. That is *Wilkie v. O'Connor*, which is found at 25 N.Y. Supp. 2d 617, in which the Court states:

"One of appellant's arguments gathered from his brief, is that after the local welfare

officer has once granted the petitioner a pension he"—referring to the local welfare officer—"has no control over the matter, and that his only duty is to pay the pension regularly, and that his power is limited to the performance of that duty. The Public Welfare Law clearly negatives that argument."

The Court: I am going to ask you a question, Mr. Werdig. Before you proceed will you tell me what the cause of action is, what the plaintiffs' cause of action is? I have got to know that.

Mr. Werdig: It is in two parts, Your Honor. It is for declaratory injunction—

The Court: Declaratory judgment?

Mr. Werdig: Declaratory judgment, and for an injunction.

Addressing myself to the injunction—

The Court: No, no; tell me briefly in a sentence or two what the cause of action is. Don't read me anything.

Mr. Werdig: They want Your Honor to order the Department of Public Welfare to have all investigators either to receive the express consent of recipients for entry into their homes or to obtain a search warrant before they enter the home.

The Court: Of course they couldn't obtain a search warrant because a search warrant may be issued by law only in criminal cases.

Mr. Werdig: Correct, Your Honor.

The Court: That is the cause of action. Is there anything else?

Mr. Werdig: And in the nature of declaratory judgment they ask that you declare that the Department is operating the program in deprivation of their constitutional rights.

The Court: I think I will hear the other side and then let you reply. I will hear counsel for the plaintiffs.

Mr. Marlin: Your Honor, my name is David Marlin.

Your Honor, the only thing that has been discussed this morning by counsel for—

The Court: I think you have the burden even though it is their motion. You have the burden to show that you have a cause of action. That is why I suggested to Mr. Werdig that I would hear you and then let him reply.

Mr. Marlin: Your Honor, our cause of action is, I think, put in a nutshell, that the Department of Public Welfare is running, in its investigative practices to determine whether recipients of public welfare are in fact eligible and remain eligible, is running a program of investigation which infringes upon the constitutional rights of those welfare recipients.

The Court: Of course the welfare recipients have a perfect right to refuse to submit to an investigation which they consider oppressive, but in that event, on the other hand, the agency has the right to take them off the rolls. In other words, I don't think, and I don't suppose the Corporation Counsel will claim, that investigators of the agency have a right to insist on making the investigation. I presume he will admit, and certainly the Court would hold, that any recipient of welfare funds has a right to decline to submit to investigation, but then the funds can be withheld from him.

Mr. Marlin: The facts of the matter are, though, Your Honor, although the Welfare Department claims that it has regulations which govern the conduct of its investigators, and we certainly admit that those regulations are there and if they were obeyed we wouldn't be here this morning.

The Court: These plaintiffs, of course, are on relief rolls.

Mr. Marlin: They are.

The Court: May I inquire on what basis they managed to get counsel? In other words, are you connected with the Neighborhood Counsel?

Mr. Marlin: I am a Deputy Director of Neighborhood Legal Services Project, yes, Your Honor.

The Court: I see.

Mr. Marlin: The activities of the investigators—well, one of the questions at issue here and we would like to submit to trial on the facts, is how in fact the investigators gain admittance.

The Court: No; first you have to establish a cause of action before we will have a trial on the facts.

Mr. Marlin: Yes, Your Honor. What I was attempting to say to the Court was that our allegations and our cause of action in the complaint with respect to the one issue that we have discussed here, and there are others, as has been mentioned, in terms of gaining entry into the homes of the welfare recipients, we allege in our complaint that entry is gained on one reason because of the assertion of authority to enter. We also allege that threats are made to welfare recipients to allow investigators into the home.

In other words, Your Honor, we assert in the complaint that entry into the homes of recipients is not freely given.

The Court: Any recipient has a perfect right to slam the door in the face of the investigator. Of course he runs the risk then of being cut off the rolls, but these investigators can always be excluded by the recipient.

Mr. Marlin: Your Honor, that would be nice if in fact it would be true, but I think the difficulty is that trading on the badge of authority, on their position with the Welfare Department, threatening recipients with cutting of relief unless they are permitted to enter the home—

The Court: Well, they have a right to do that. I think the agency in charge of relief has a right to say that unless you let our investigator enter your home and look around we will cut you off the roll.

Of course the investigator doesn't have a right to break down the door and go in.

Mr. Marlin: Your Honor, even their regulations would prohibit that. Their regulations state that if an investigator wishes to gain admittance into the home of a recipient and that admittance is denied, the investigator should turn around and leave the home. But in fact, by using threats, by using threats, for example, to withdraw the children from their parents, by using threats to cut off the—

The Court: If they do that, of course, threats of that kind are irregular.

I don't think equity can step in and issue an injunction to enjoin a list of unnamed persons from making threats. I think your remedy should be an administrative one and go to the agency and say, Well, now, here is Investigator A who on such and such an occasion made such and such a threat.

Mr. Marlin: Your Honor, this is why we are bringing a class action, because there are tens of thousands of persons in this category in the District and our files, operating ten Neighborhood offices, staffed by 30 attorneys in the poor sections of the city—

The Court: What kind of an injunction do you want this Court to render?

Mr. Marlin: To enjoin the pattern of conduct of these investigators.

The Court: Equity doesn't enjoin patterns of conduct; it doesn't enjoin unnamed individuals.

Mr. Marlin: Your Honor, as an analogy, the voting discrimination cases that have been brought in the south which have been brought by the government and also on some occasions by individuals.

The Court: In those cases specific registrars have been enjoined.

Mr. Marlin: But those are intimidation cases, Your Honor, which apply also to private citizens.

The Court: I don't think any equity court has ever issued an injunction enjoining a large number of unnamed individuals from doing things. Equity acts in personam.

We will take our usual mid-morning recess at this time and I will let you continue after the recess.

(Recess.)

The Court: Mr. Marlin, you may proceed.

Mr. Marlin: Your Honor, one question that was raised before we recessed was the right of an individual to public welfare. I don't know that that is a question that must be decided this morning, but our contention is that if a person is eligible under the conditions laid down, then that person has a right to welfare.

The Court: No; welfare is discretionary, of course.

Mr. Marlin: The question that I think is presented, Your Honor—

The Court: The rules as to eligibility are there to exclude anyone who is not eligible. In other words, relief payments are a gratuity or a grant; they are not a debt, the payment of an obligation. The eligibility rules are intended to exclude certain persons. It doesn't mean that everybody who is eligible has a right to sue for relief if it is refused, for example.

Mr. Marlin: Well, your Honor, we would contend, though, that the eligibility rules not only are intended to exclude those ineligible, but also set up standards.

The Court: That is right, but the administration of relief is discretionary in that it is a grant or gratuity and is not the payment of a legal obligation.

Now you may proceed with your argument.

Mr. Marlin: Your Honor, the next question then becomes whether somebody who applies for public assistance and/or whose application is granted must then surrender other constitutional rights—must surrender constitutional rights that other persons have.

The Court: I don't think he does. You don't have to argue that he shouldn't be required to surrender constitutional rights. He cannot be compelled to surrender constitutional rights.

Now what particular constitutional rights do you refer to?

Mr. Marlin: We refer, for example, to the right not to give incriminating evidence to investigators who are employed by the Welfare Department.

The Court: Oh, no, he has a right to refuse. Of course he cannot be compelled to answer questions, but on the other hand, if he refuses to give the information he can be taken off the relief rolls. For example, we have seen a great deal of discussion on the man of the house rule. Of course that rule is intended to prevent diversion of funds intended for children to the support of an unemployed idle paramour. Suppose a mother of children who are on the relief rolls is asked do you have a man living with you to whom you are not married, and she says I refuse to answer because the answer might incriminate me. They have a right to take her off relief. They cannot require her to answer.

Mr. Marlin: I think that is one of the questions, Your Honor, whether they do have a right to take her off the relief for that.

We are not arguing the right of the Department to police its public monies and find out whether they are going to people who are eligible for them.

The Court: One of the things they want to know, for example, is whether part of the money is given to a particular family where the mother is either separated from the father or is not married, whether she has a paramour living or visiting her who is supported from these relief funds intended primarily for children. They have a right to find that out.

Mr. Marlin: Yes, they do; no question about that, Your Honor. The question is how do they find it out.

The Court: Well, one of the ways they have is to ask her. Of course they are under no duty to accept her statement.

Mr. Marlin: Can they coerce an answer from her?

The Court: They cannot coerce an answer from her, but they have a right to say, Well, if you don't want to answer probably the answer would be adverse to your interests.

There is a rule of law that in a criminal case you cannot draw an unfavorable inference from the fact that the defendant doesn't testify, but in civil cases you can. In civil litigation if a litigant is asked a question to which he refuses an answer you have a right to infer that his answer would be unfavorable to him. That is a well established principle, Mr. Marlin. But proceed with your argument.

Mr. Marlin: My argument, sir, would be at this juncture to relate—

The Court: Not at this juncture; argue the motion here.

Mr. Marlin: Your Honor, to relate our cause of action as the denial of specific constitutional rights that we think are denied by the conduct of the investigators of the Department of Public Welfare, I have mentioned one, Your Honor, the self-incrimination. There is a case in this city, the Blackmone case in 1959, and there is a part of the D.C. Code which gives the city the power to prosecute someone criminally for welfare fraud. We are not arguing that someone who commits welfare fraud shouldn't be prosecuted. What we are talking about is the methods by which information is gathered which could lead to such a prosecution, and I call the Court's attention to the *Lynn v. Illinois* case in which for purpose of getting a confession about narcotics the police in Chicago threatened the prisoner with cutting off welfare and with depriving her of the custody of her children.

The Court: That is a criminal case, Mr. Marlin.

Mr. Marlin: It is. I would only use it as an analogy, Your Honor.

Another area that we feel is infringed on by the conduct of the defendants and the Welfare Department which ratifies that conduct is the right to privacy.

The Court: Well, don't you think that the welfare agency should have a right to send an investigator to see, for example, that welfare funds aren't spent on costly television sets, to take an example?

Mr. Marlin: I think there may be other ways of discovering that information without employing a fleet of investigators to do it.

The Court: The easiest way, of course, is for an investigator to seek admission to the house and say, Well, we would like to see what you spend the money on.

Mr. Marlin: Irrespective of that, Your Honor, we have made allegations that the investigators furtively and secretly photograph, that they listen with their ears to the door on people's homes.

The Court: What is wrong in taking photographs?

Mr. Marlin: It is how it is done, again.

The Court might take judicial notice of a story that appeared in the Washington newspaper with great prominence.

The Court: I never take judicial notice of newspaper articles. We never try cases on newspaper articles, Mr. Marlin. You know better than that.

Mr. Marlin: The persons who are interrogated by the Welfare Department investigators are not only recipients, they are friends of recipients.

You mentioned, Your Honor, the man in the house rule as part of the discussion in the general problem of welfare. We have in-

formation from people who come into our law offices in terms of the enforcement of that rule, where if a brother or a father is in the home of a recipient of public welfare, investigations are frequently made in that area, who is that man, who is the man in the house.

The Court: Isn't it reasonable to ask that?

Mr. Marlin: I think there are some limits, Your Honor, and I think people do have some rights which should be protected against—

The Court: Of course, I don't believe and I feel very strongly that recipients of charity should not be humiliated, but this is nothing that the Court can stop. I think that should be taken up administratively with the agency. I agree with you thoroughly that unnecessary humiliation should not be extended to a person unfortunate enough to be on relief, but on the other hand it is reasonable enough to expect the recipient to cooperate.

Mr. Marlin: There is only one way this kind of conduct that we allege can be stopped, Your Honor, and that is by an injunction directed against those responsible for it, which is the Department of Public Welfare. We have named two specific investigators in our two plaintiffs who represent a class in our complaint. We are talking about facts that occurred, as well as information that we would be prepared to submit to a court.

The Court: Have you exhausted your administrative remedies? Have you presented this matter to the agency?

Mr. Marlin: We feel, Your Honor—we have not. We have not exhausted administrative remedies and it is our position that we shouldn't be forced to in these sort of conditions where there are thousands of persons involved.

The Court: Well, that is it. The Court can't enjoin thousands of persons. If there are 50 investigators or 100 investigators the Court can't issue an injunction to a list of unnamed investigators.

Mr. Marlin: The relief we would ask the Court, Your Honor, would be an injunction running against the Department of Public Welfare prescribing a code of conduct for its employees, the investigators.

The Court: Well, that isn't anything that the Court can interject itself into. I think you get to go to the District Commissioners. If some investigators use unduly harsh methods, I think you have a right to complain, but the complaint should be to the agency, and if you are not satisfied with what the agency does, then to the District Commissioners.

Mr. Marlin: Your Honor, because there are so many parties, potential parties, it is very difficult for anyone—and we are probably the only agency, the only legal agency in the city which is set up, funded by public monies, in order to represent the interests of people who otherwise can't afford attorneys.

The Court: That is another thing that puzzles me, Mr. Marlin. Your agency is a governmental agency in the sense that it is supported by appropriated funds, is it not?

Mr. Marlin: Well, I would agree to the latter part, but I don't think that the description of governmental agency—

The Court: It is supported by government funds, is it not?

Mr. Marlin: It is in part, Your Honor.

The Court: And where is the other part?

Mr. Marlin: The other part is under the Economic Opportunity Act. Part of the funding for recipient community action programs comes—

The Court: Well, that is government funds, too.

Mr. Marlin: The part that is government funds is the part that comes from the Office of Economic Opportunity. One portion is

supposed to come from local contributions, ten per cent, Your Honor.

The Court: You mean contributions by local government or by local individuals?

Mr. Marlin: By local individuals, which can be in the form of money or services or other groups sending in money.

The Court: That is ten per cent, you say?

Mr. Marlin: That is right, Your Honor. That would be a minimum.

The Court: Actually, in connection with these Neighborhood Councils, where does the ten per cent come from?

Mr. Marlin: Well, actually, specifically for the Neighborhood Legal Services project, we are a component of the United Planning Organization in this city and it is the United Planning Organization which administers the program and they are the ones who derive that percentage of their funding, of their efforts, from the community.

The Court: When you say from the community, whom do they get the ten per cent from? Do they get it from the District Government or do they get it from foundations or from whom?

Mr. Marlin: Your Honor, I am afraid I am sorry I can't be authoritative. I know that in the past they have received money from foundations. For example, our program was originally funded in part from the Ford Foundation.

The Court: That is what I thought. Of course, it is a strange thing, here are lawyers paid by the government for them to sue other government departments.

Mr. Marlin: We think it is not only a strange thing, but we think it is something that has been a long time in coming and we think it is a very salutary thing, Your Honor.

The Court: Well, it is certainly anomalous, Mr. Martin. It was my understanding that these Neighborhood Legal Councils weren't instituted to sue the government but to give legal advice and legal protection to people who could not afford to hire lawyers. For example, people in disputes with their landlords or in disputes with people to whom they are claimed to owe money and so on, and that is a very salutary and desirable project. In other words, it is the type of work that the Legal Aid Bureau does, only it is brought into the neighborhood.

Mr. Marlin: That is right, Your Honor.

The Court: But now you turn around and bring suits against the government. That seems an anomaly to me.

Mr. Marlin: Well, as an example, Your Honor, a great number of persons in this city, as well as all over the country who are poor, live in public housing, which is a government owned and sponsored activity. Surely if a public housing unit was in such disrepair or was run and administered so badly that tenants of that public housing has a legal right to redress, you could see there that the government would be a proper defendant. And there are, in fact, Your Honor, a great number of programs which deal particularly and have a particularly heavy weight upon people who are poor and who have no other legal representation.

I don't think, Your Honor, that our suit here today against the Welfare Department is the first, nor will it be the last, involving governmental agencies because the rights of people who we feel need legal protection frequently are invaded by governmental agencies.

The Court: Your may proceed.

Mr. Marlin: I suppose, Your Honor, and one of the things we have touched on before in terms of the constitutional rights that we feel are affected by and invaded by the conduct of the defendants is the security in the home. I just want to reaffirm what I had alluded to once before about the gaining entry into the homes by authority. Your Honor would be the first to correct me, it is

in the criminal area, but there are cases, there are a great number of cases, as Your Honor would know, where police officers and other persons in authority and frequently wearing uniforms and acting under color of law, have gained entry into the homes, and the courts have said—using certain techniques—that the courts have said vitiated the right of free consent.

The Court: That relates to criminal prosecutions, Mr. Marlin.

Mr. Marlin: Your Honor, we are trying to draw analogies in this case to criminal law in a number of areas and this is one of them.

The Court: No, I am afraid you are wasting your time trying to use cases out of the criminal law.

Mr. Marlin: The freedom of association cases that we have cited in our memorandum, such as the NAACP vs. Alabama case, again relating back to the interrogation of the plaintiffs, of welfare recipients, of their families, of their friends, of a rather broad scope of search that goes on once an investigation is conducted which we think discourages freedom of association and interferes with First Amendment rights.

The Court: Specifically, what excesses do you claim in that respect?

Mr. Marlin: You mean what excesses by the Department of Welfare?

The Court: What excesses do you claim in that respect?

Mr. Marlin: The excesses, the one illustration I gave before of indiscriminately questioning people who are seen in a home.

In other words, Your Honor, we think just because somebody is on public welfare their life is not a complete open book subject to—

The Court: Of course a recipient of public welfare should be treated politely and without humiliation and if an investigator is acting impolitely or brusquely or oppressively he should be reported to the agency. But they do have a right to ask questions, however, in order to ascertain what the situation is.

Mr. Marlin: We think, Your Honor, as a prelude to asking questions they should inform recipients that they have a right not to answer them, because we think they do have that right.

The Court: No, no; that applies only to criminal prosecutions.

Mr. Marlin: Frequently the information gathered from this investigation leads to criminal prosecutions and that is, in fact, Your Honor, one of the threats that is made.

The Court: You might have a defense to a criminal prosecution there. That is different. If a criminal prosecution is instituted and there is testimony as to what the defendant said to an investigator, you would have a right, perhaps, to object to the introduction of the testimony if there was no warning given. But for purposes of administering relief, that is a civil matter and in a civil matter you can draw an unfavorable inference from refusing to answer questions.

Mr. Marlin: Your Honor, let me finally say this, that we don't object, as I had mentioned before, we don't object to the Department of Public Welfare attempting to find out whether the recipients of its monies are deserving of them; but we do object to how they do it. We think that investigations that are conducted as they have been conducted, whereby entry is practically forced, where consent is not freely given to entry, whereby threats and coercive measures gain information from welfare recipients, when their homes have been invaded at all hours of the day and night, when people seen entering and leaving their homes are followed and questioned, when surveillance is made from automobiles or by listening, putting one's ear to the door—

The Court: You wouldn't object to surveillance from the outdoors, would you?

Mr. Marlin: I wouldn't object to surveillance if it was not secret and not furtive.

The Court: Before you were objecting to entry into the house. Now you are objecting to surveillance from the outside?

Mr. Marlin: Some surveillance from the outside, Your Honor, has been conducted in cars that are masked to conceal that anyone is inside them.

The Court: I think this is a very good way to conduct an investigation.

Mr. Marlin: It also smacks, in our opinion, Your Honor, something of a police state whereby investigators and other officials are spying and prying on the lives of American citizens.

The Court: You wouldn't say, for example, if a motorcycle policeman is hiding behind a tree so that he couldn't be seen by drivers and he sees a speeder, if he goes after him you will say that is unfair surveillance?

Mr. Marlin: I would make this distinction, Your Honor, that there is a law violator; that is what he is looking for and that is who he goes to apprehend. We don't have that posture in this case, Your Honor, where people are not law violators and are attempting to lead their lives and they are unfortunately leading them on public assistance but are yet subject to the kinds of spying and invasions of their privacy that is carried on by the Department of Public Welfare.

I would like to end my argument at this time. If the defendants wish to get into some of the more technical nature, I would like the opportunity, Your Honor, of responding to that.

The Court: Yes, I will give you a full hearing.

Mr. Werdig: Your Honor, we have but brief commentary to make and that is this:

As to the role of the investigator, in the Department of Public Welfare he is a fact finder.

We agree with Your Honor if threats, intimidation, personal force are used, this man should not be an employee of the District of Columbia. However, the plaintiffs stop at this point and do not explain that this is a two-phased operation. Every recipient of public welfare has first and foremost a social caseworker. It is our position, in line with Your Honor's suggestion as to the administrative device, that when the social worker calls at the home there is no threat, there is no coercion, there has been none alleged as to the social caseworker. It is at that time that the recipient has every opportunity to express chagrin, affront, to any activities taken on by an investigator. None of this has been reported to our Department.

First and foremost, though, Your Honor, we urge upon the Court that this program is administered to protect the children. If it is onerous upon these parents to provide to the Department the information that we must of necessity have to continue the assistance, what alternative do we have but to declare in the nature of *parens patriae* and take the children away from the home to make sure that they do receive the proper environment?

The Court: Of course the relief agency doesn't have any right to take children away from the home.

Mr. Werdig: No, Your Honor, but if this is to be a prelude to the limitations on our Department to know the facts surrounding continued eligibility to give money and it is upheld that they do not have the right to ask these questions, they do not have the right to come in—

The Court: You are now referring to another matter. You just a moment ago were referring to threats to take children away. Your agency doesn't have that authority.

Mr. Werdig: No, Your Honor. May we also state to Your Honor for clarification that at any time that a recipient does receive money and it is terminated, for whatever

reason, there is an administrative appeal allowed as a matter of right.

The Court: How speedy is this appeal administered? Do you happen to know, Mr. Werdig?

Mr. Werdig: I would suggest, Your Honor, that it is within 30 to 60 days after a termination.

The Court: Well, I think it ought to be speedier because a person can starve to death in 30 days and a lot less than 30 days.

Mr. Werdig: Correct, Your Honor.

The Court: I think there is one thing that is always necessary in the administration of either private charity or governmental relief and that is speed.

Mr. Werdig: Your Honor, the information I now have to present to you is that when a case is closed, such as on a termination, there is an immediate right of appeal, and in any other appeal matter when there is a reduction in the benefits there is a maximum allowable period of 30 days.

The Court: How promptly is the appeal of the first type decided?

Mr. Werdig: Immediately. Within, I would say—

The Court: What do you mean by immediately?

Mr. Werdig: Excuse me, Your Honor.

The Court: Surely.

(Pause.)

Mr. Werdig: There is the possibility, Your Honor, that upon a termination there can be immediate reapplication for assistance on an emergency basis. However, as we know, there are administrative decisions being made in these matters. We attempt with expedition to see that these matters are terminated. We would suggest to Your Honor that the maximum time in most instances, not in all instances, is 30 days.

The Court: Well, of course I am not going to substitute myself for the head of the agency. I do think that expedition is vital in administering relief. I know that because shortly after World War I, I was in a rather subordinate capacity in charge of administering veterans relief in New York City and one of the things we did was to decide upon an application within a day or two, sometimes the same day, because speed I think is of vital importance in relief.

However, as I say, I am not going to instruct the Department how it should conduct its affairs. That is not a judge's function.

Mr. Werdig: Thank you, Your Honor.

The plaintiffs' counsel says that what they desire in the nature of injunctive relief, in part, is that a code of conduct be established by the Department. We submit to Your Honor that in the affidavit we have established the fact that the rules and regulations in effect in the Department now are tantamount to that which the plaintiffs now say they wish to have. The rules of the Department prohibit forceful, coercive entry onto premises. They explicitly set out a policy that the dignity of the individual be preserved and appreciated and respected. Any violation of any of these regulations is grounds upon which an employee of the Office of Investigations and Collections may be dismissed from his job for cause.

We respectfully ask that you rule in our favor on our motion for summary judgment.

The Court: Did you wish to say anything else, Mr. Marlin?

Mr. Marlin: Your Honor, I just wish to say one additional thing. That is to point out, because I feel an obligation to do so, the disparity of advantage between the class of persons that we are representing here today, Neighborhood Legal Services, and the Welfare Department. In other words, Your Honor, I think it somewhat mocks the facts for the defendants to talk about administrative review and to suggest that since one class of District employees, social work-

ers are not informed of violations of regulations by another class of District employees, that is, investigators, that there must not be any such violations.

The Court: But, Mr. Marlin, it seems to me that all these are practical matters. If a violation is brought to your notice shouldn't you send somebody down to the District Building and bring it to the attention of the agency? Isn't that the practical way?

Mr. Marlin: Really, Your Honor, there is practically only one legal outlet for such activity and that is Neighborhood Legal Services. And, Your Honor, we know because we have done investigation, naturally, in preparation of this case, we know that there are untapped hundreds and hundreds of individuals in this city in this capacity. They don't complain, they don't take administrative reviews because they are coerced into not doing so, because they are afraid of losing their benefits. They are subjected to almost any kind of conduct that the defendants wish to inflict upon them and they are afraid to complain about it.

In addition to that, unless they come to us, pretty generally they have no legal representation available to them to make the complaint.

The Court: You have stated, perhaps I misunderstood you, you have stated in answer to my question that you have not taken this whole subject up with the agency. Shouldn't you?

Mr. Marlin: The subject of complaints about investigative conduct has been taken up with the agency, yes, Your Honor.

The Court: And what has the agency done about it?

Mr. Marlin: The agency has said very much what they have said to Your Honor this morning, that they have rules and regulations which prescribe conduct, that those rules and regulations are sufficient to govern the conduct of their investigators.

The Court: You want this Court to issue an injunction to these investigators to require them to comply with their own departmental rules? The Court would be stepping out of its proper role.

Mr. Marlin: No, Your Honor, I am not asking that. I am asking to have this case go to trial so we can bring in evidence to show what conduct the investigators actually perform.

The Court: I know, but the question is whether this Court has jurisdiction over the subject matter. You can't have a case tried unless you have a cause of action.

What is the ultimate relief that you seek? Is it to have this Court issue an injunction directing that under pain of punishment for contempt all investigators of the Department of Welfare must comply with its rules?

Mr. Marlin: No, Your Honor; we would seek to have the rules more narrowly defined and spelled out so that the conduct that is occurring will be prohibited, not the vague conduct that is contained in the rules.

The Court: I don't think that this Court can prescribe a code of rules for any governmental agency.

Mr. Marlin: But, Your Honor, courts have done that. For example again, voting registrars in the south, spelled out a course of conduct in handling voting applications.

The Court: Is there anything else you wish to say?

Mr. Marlin: No, Your Honor. Thank you.

OPINION OF THE COURT

The Court: This is an action brought against the Board of Commissioners of the District of Columbia and the Director and certain other officials of the Department of Public Welfare of the District of Columbia.

The plaintiffs are mothers of children receiving assistance under the provisions for aid to families with dependent children administered by the Government of the District of Columbia through its Department of Public Welfare.

The defendants move for summary judgment.

The gravamen of the action is that investigators employed by the Department of Public Welfare at times used harsh, oppressive, illegal, and humiliating methods in making their investigations as to the question whether a particular recipient of assistance is worthy of that aid.

The Court is of the opinion, first, that it has no jurisdiction over the internal administration of this agency or any other government department. What the Court is asked to do here is to direct how the department should be administered and to do so either by declaratory or injunctive relief, or both.

Second, the Court is of the opinion that the administration of relief funds involves discretion on the part of the agency entrusted with that duty. Relief funds are grants and gratuities. Their payment does not constitute payment of legal obligations that the government owes. Being absolutely discretionary, there is no judicial review as to the manner in which that discretion is exercised.

It must be borne in mind that an individual may not maintain an action to enjoin the day-to-day administration of government functions. That was established in the leading case of *Massachusetts v. Mellon*.

Further than that, the type of relief that is requested here may not be accorded by a court of equity. This Court may not enjoin a large number of unnamed investigators and instruct them how to conduct their duties under penalty of being punished for contempt of court. The Court would have no means of supervising and determining the day-to-day compliance or failure to comply with such an injunction. Moreover, equity does not enjoin unnamed individuals for equity acts in personam.

It must be borne in mind that counsel for the plaintiffs does not attack the legality or the propriety of the regulations in this action. He contends, however, that the regulations are being violated by various investigators. It must be borne in mind, too, that in connection with the administration of welfare funds the government has a right to make investigations in order to determine that the money is properly spent, is not squandered improvidently, and is not obtained on the basis of misrepresentation. If there is any grievance as to the conduct of any particular investigator the matter should be submitted to the administrative agency. There is no showing that the administrative remedies have been exhausted because if the agency refuses redress appeal can be taken to the Board of Commissioners.

Each of the reasons the Court has just given is in itself sufficient to warrant a granting of the defendants' motion for summary judgment.

The defendants' motion is granted. You may submit an order.

(The hearing stood concluded.)

REPORTER'S CERTIFICATE

Certified as the official transcript of proceedings.

Official Reporter.

GOVERNMENT OF THE DISTRICT OF COLUMBIA, DEPARTMENT OF PUBLIC WELFARE, OFFICE OF INVESTIGATIONS AND COLLECTIONS,

May 27, 1965.

Memorandum to: OIC staff.

Subject: Rules pertaining to investigator's home visits and investigator's conduct.

This memorandum supersedes my memorandum dated May 25, 1965, subject as above.

We are again summarizing the rules pertaining to OIC investigations particularly relating to home visits and investigator's conduct.

The investigations phase of the Office of Investigations and Collections is a fact finding operation. The true facts in a PA case are ascertained, verified and reported to the Public Assistance Division without opinions or recommendations. The determination of the eligibility of a Public Assistance case rests with the Public Assistance staff.

The investigative staff of the Office of Investigations and Collections does not advise, recommend or render opinions to Public Assistance Clients.

Suggestions as to eligibility, ineligibility, continuance or withholding of the Public Assistance grant are areas in which the OIC investigators are specifically reminded to withhold their comments.

Investigators and supervisors do not investigate friends, acquaintances or relatives. Investigators cannot hire or contract recipients to perform any services for them.

Investigators will not disperse gifts regardless of how small in value to recipients or children of recipients. Such gifts however well intentioned are often resented or objected to by clients who may be reluctant to voice their objections. Investigators will refrain from advising recipients or rendering other assistance normally given by a social worker.

Investigators do not have arrest power or subpoena power. They do not carry side arms or concealed weapons.

Investigators must at all times use propriety, common sense and good judgment in questioning recipients. They must treat them with the human dignity to which all people are entitled.

All complaints received by any OIC personnel about investigators or members of OIC must be reported in writing to the Investigations and Collections Officer.

A home visit made by an investigator means a visit to a recipient or applicant's home in which the investigator has talked to the recipient at her home.

Home visits are conducted only between the hours of 8:00 AM and 10:00 PM on weekdays and 8:00 AM and 12:00 noon on Sundays. Home visits by investigators between the hours of 10:00 PM and 8:00 AM are forbidden.

No inspection of premises will be made if the recipient does not live on the premises.

On all home visits to the home of the recipient, the investigator assigned the case must be accompanied by another investigator. Whenever the recipient is contacted in person outside of the Office of Investigations and Collections this contact may be made only when accompanied by another investigator. There is no exception to this rule regardless of the reasons for contacting the recipient or visiting the home of the recipient.

The purposes of home visits are primarily to establish family composition, household composition, living conditions and resources to include employment.

No home visits are made on National Holidays or Religious Holidays.

Home visits are kept at a minimum. Three home visits are a maximum in any given investigation. An additional home visit due to unusual circumstances, such as change of residence, transfer of investigator, or a request from the Social Worker, must be approved in advance by the immediate supervisor.

Each case under investigation is scrutinized carefully prior to the home visit to ascertain if mental problems exist, the family composition, the amount of space occupied, etc. Investigators do not enter homes with preconceived ideas of what exists in the home, rather each investigation is an objective study for the Department of Public Welfare.

The investigator when making inquires in the home is only to ask questions which are pertinent to the investigation.

Questions asked in the home are applicable to the eligibility factors pertaining to

Department of Public Welfare and Public Assistance Division regulations. OIC uses Forms PW-RC 158, PW-RC 320, PW-RC 104 and PW-RC 105 to cover questions on eligibility and to limit investigator's time in interviewing the recipient.

Prior to entering a home investigators must identify themselves by giving their name and agency and show their identification card. They must request permission to enter the home and are not permitted to enter any home without the expressed approval of the occupant.

When admission to the home is refused by the recipient, the investigator shall leave immediately. A report is made of the situation to the Social Worker with the request that the Social Worker advise OIC regarding future action. Home visits are suspended pending a reply.

Investigators will not enter any recipient's home when no one is in the home, when only minor children are in the home or whenever no other adult member of the household is home.

If requested to leave after initially authorized entry, the investigators will do so immediately.

Investigators will immediately excuse themselves and leave the home if the recipient or any person being interviewed appears to be under the influence of alcohol.

In situations where the investigators have properly identified themselves and have been granted permission to enter the home but the recipient refuses to cooperate with the investigation, the investigator shall leave immediately. A report is submitted to the Social Worker outlining the circumstances. Home visits are suspended until a reply is received from the Social Worker.

When in the home, investigators will conduct themselves in a courteous manner. Investigators will not request any services of the recipient that would impose an obligation on the recipient to comply which is not directly related to and pertinent to the investigation.

When considered appropriate to check the living arrangements, the investigator will request permission of the recipient to make such a check and will request that an adult member of the household accompany him while viewing the premises. During such a survey, investigators will not enter any room where any female is sleeping, or in which there is a sick person, and particularly will not enter any bedroom where girls are sleeping without the expressed permission of the recipient and accompanied by the recipient.

Investigators will not open closets or bureau drawers, look under the bed, or handle personal items during such a tour of the premises. Nothing will be removed from the home by the investigators without the permission of the recipient.

At any time a recipient threatens, assaults, or attempts to assault or otherwise creates an incident with the investigators during a home visit the investigators will immediately excuse themselves and leave the home. A written report will be immediately submitted to the Investigations and Collections Officer.

WILLIAM R. GALVIN,

Investigations and Collections Officer.

This is to certify that I am acquainted with the above rules, have read this document, and I am complying with these instructions.

DATE

(Signature.)

JULY 1, 1966.

A meeting was held in the office of Senator ROBERT C. BYRD to discuss HEW Handbook Transmittal No. 77 with reference to

the methods for determination of eligibility of welfare recipients. The meeting began at 9:30 a.m., with the following persons present:

The Honorable JOHN W. GARDNER, Secretary of Health, Education, and Welfare;

The Honorable ROBERT C. BYRD, Chairman of the Senate Subcommittee on Appropriations for the District of Columbia;

Mr. Joel Cohen, Assistant General Counsel, Department of Health, Education, and Welfare;

Mr. Fred H. Steininger, Director, Bureau of Family Services, Department of Health, Education, and Welfare;

Mr. John Hurley, Deputy Director, Bureau of Family Services, Department of Health, Education, and Welfare;

Mr. William Galvin, Office of Investigation and Collections, Department of Public Welfare, District of Columbia.

After introductions, Senator BYRD gave to Secretary Gardner a letter, dated June 30, 1966, addressed to the Secretary by Senator BYRD concerning the new regulations transmitted to State agencies administering approved public assistance plans by Handbook Transmittal No. 77.

Senator BYRD read the letter, after which the Secretary asked if he could bring up any questions. He then read from page two, paragraph three, of the letter concerning public records. The Secretary stated that, in his opinion, the phrase "supplemented, if necessary, by information from public records," certainly indicated public records could be utilized. Mr. Galvin raised the question of what constituted a public record and whether or not a court record, for example, or Unemployment Compensation Board record—which were not public—were considered public under the definition in the Handbook. Mr. Steininger said that they were. Mr. Galvin then asked if real estate records were public records, and Mr. Steininger said that they were not. Senator BYRD also posed questions submitted by Mr. Brewer to him regarding the definition of the term "public records."

Mr. Steininger then agreed to clarify the question of public records in the Handbook transmittal.

The question was raised as to the meaning of harassment. Senator BYRD brought out that, in the District, harassment meant any type of checking on recipients. It was agreed by HEW that this point should be clarified. It was later indicated that the examples of harassment under Part IV-2230, page two, left much to be desired:

"By way of illustration, States must especially guard against violations in such areas as entering a home by force, or without permission, or under false pretenses, making home visits outside of working hours, and particularly making such visits during sleeping hours; and searching in the home, for example, in rooms, closets, drawers, or papers, to seek clues to possible deception." Secretary Gardner stated his views on privacy and personal integrity, and indicated that, just as we wanted our homes and privacy and personal dignity respected, so do the welfare recipients. All concurred with these sentiments and examples of what the District investigators do, such as never entering a home without permission; never inspecting a home without permission; and never looking into rooms where people are asleep, particularly small children, without permission.

There was a general discussion concerning clarification of the examples to conform with what is permitted and what is not permitted. Senator BYRD cited numerous examples from the General Accounting Office reports of the AFDC investigation in 1962, showing the necessity for search in rooms and closets, and gave illustrations of what was found by such searches. Mr. Steininger agreed that

visiting the home or searching in the home with permission was permissible and that failure of the recipient to consent to such home visits or searches would render the recipient ineligible. He agreed to insert this clarification in the Handbook transmittal.

Secretary Gardner had to leave the room for a few minutes. During this time, there was a discussion on the number of ineligibles in the District, the inability of the social workers to find the ineligibles, the rate of ineligibility in the nation-wide review of the AFDC program, the GAO report on the nation-wide review, and the effective work of the social workers in Mr. Steininger's home state.

Upon the Secretary's return, Mr. Hurley emphasized the HEW nation-wide review as being significant in its indication that ineligibility was rather minimal throughout the country, thus implying, perhaps, that the situations, such as were revealed in the District of Columbia, were somewhat exceptions rather than the rule. Senator BYRD then stated that, if we are going to discuss the HEW nation-wide survey, we should also consider the GAO monitoring of that survey and the GAO report which rather severely criticized the procedures used by HEW in the nation-wide survey and seriously questioned the validity of the conclusions reached by HEW.

The question of mandatory reliance upon the recipient as a primary source was discussed, and Senator BYRD read some excerpts from the GAO report. Then Mr. Steininger stated that most of the recipients were truthful and the reason for this requirement was because of that fact.

The question of blanket consent versus individual consent was discussed in great detail. Senator BYRD cited the findings of ineligibility which resulted from the 1962 D.C. investigations to show that these findings reflected support for the Comptroller General's contention that recipients cannot be depended upon to give the facts and that one should, therefore, not take for granted that the "majority" of recipients are dependable and reliable. Mr. Hurley and Mr. Steininger at first held that each item would have to be approved individually by the applicant or recipient. They later agreed that once consent had been received from the applicant or recipient to make investigations on particular items, no further consent was necessary on those same items whether the investigation was made by the social worker, investigator, or quality control reviewer.

The matter of what could be done when clients did not give consent and the question of fraud had to be determined, was brought out by Mr. Galvin. Mr. Steininger said that, if the client refused consent, the case would be ineligible and from that point any investigation concerning fraud could be made. Part IV-2230, page 7, paragraph 1, was given by Mr. Steininger to cover those situations where the client would not give consent, but suspicions had to be investigated without consent. The Senator brought out that, under the qualifications in the paragraph, it would be impossible to investigate any suspicions without the consent of the client. It was finally agreed, since this was an all-encompassing directive, that the matter be clarified, allowing investigations to be conducted without the consent of the client when there was suspicion of fraud.

The meaning of "reasonably necessary" and "reasonably necessary to insure that expenditures under the program will be legal," was discussed in detail. Senator BYRD stated that "reasonable" was too ambiguous to limit what is legal. Secretary Gardner, looking at the second full paragraph of page four of Senator BYRD's letter to him, stated that the new regulations in Transmittal No. 77 were merely bringing the situation of the welfare client into conformity with the situation of the taxpayer of the United States, implying

that the taxpayer is put upon his honor to state the truth and merely fills out a form, states that it is correct, and this is accepted by the Internal Revenue Service. Senator BYRD referred again to the Comptroller General's statement to the effect that welfare recipients are not reliable generally and cannot be depended upon to give the full facts, whereas nowhere and at no time has the Comptroller General made such a statement with reference to U.S. taxpayers. Mr. Galvin brought out the fact that the Internal Revenue Service is mostly computerized and requires all agencies paying interest, selling stocks, holding bank accounts, etc., to keep records and furnish data to the IRS. The IRS not only has this type of collateral check for possible tax evasion, but also checks 300,000 or more cases each year on which there is no suspicion.

Senator BYRD asked the Secretary if a copy of the Task Force report (as related in the Washington Post of June 30) could be supplied to the Senator's office, whereupon the Secretary said that this would be done today.

There was a discussion of an article by Robert A. Cloward and Frances Fox Piven, entitled "A Strategy to End Poverty," with which the Secretary was familiar, and there was also a discussion of an article entitled "Social Welfare Law Testing," by Edward V. Sparer, in *The Practical Lawyer* of April 1966, a copy of which Mr. Galvin promised to supply to Secretary Gardner at his request. It was brought out that both articles were by people working in the same agency, namely, the Columbia University Center on Social Welfare Policy and Law.

Senator BYRD expressed concern at current events which are not, apparently, unrelated to the theories promulgated in "A Strategy to End Poverty," alluding specifically to the demonstrations and protest marches by welfare recipients, in many cases encouraged by antipoverty workers.

Senator BYRD asked if welfare directors throughout the 50 states has been consulted by HEW before the new regulations were promulgated. Mr. Steininger answered in the negative, but stated that they had been discussed with the Council of State Administrators, the Executive Committee, American Public Welfare Association.

Senator BYRD asked if there had been any reaction from State welfare directors, and the answer from Mr. Steininger was that there had been practically no reaction, but that he anticipated that certain questions might be raised at the time that the new State plans would be drawn up for implementation. Senator BYRD stated that he intended to take action to see that the directors are apprised of the new regulations.

In closing the meeting, Senator BYRD stated that it was not his desire to uphold questionable methods in the investigation of welfare recipients and that he recognized the importance of observing the constitutional rights of welfare recipients, but that, at the same time, the restrictions in this transmittal letter would inordinately tie the hands of the investigators. He also emphasized that social workers are not normally qualified by training and experience to use investigative techniques and that the fact that the situation which was brought out by the investigation in 1962, in the District of Columbia, had existed for many years was clear proof that the social workers could not be depended upon to discover infractions and eliminate ineligible. Senator BYRD also made the point that the taxpayers have a right to know that their moneys are going to deserving recipients and that the individual who has nothing to hide should have no objections to a search of his premises with his permission. In other words, only those people who have something to hide should want to object to investigators looking into their rooms and closets. Senator

BYRD expressed a great concern at the trend of events, feeling that the new restrictions with "open holes which would need to be plugged," would increase drastically welfare expenditures nation-wide, and result in an increased case-load of ineligible.

Secretary Gardner expressed his understanding of Senator BYRD's position and stated that the matter would be further considered. Senator BYRD expressed the hope that the five points raised in the penultimate paragraph of the letter would be resolved, and the Secretary and his staff agreed to get back in touch with Senator BYRD.

[From the Washington Post, May 29, 1966]
DISTRICT OF COLUMBIA TENANTS LOSE THEIR FEARS AND LEARN TO MOBILIZE FOR ACTION

(By Dorothy Gilliam)

The rumblings started early. It was back last summer, and needy-citizens' organizations started popping up in offices downtown. They told Washington's appointed officialdom that things weren't all right.

The Capital has no city hall, but it does have the District Building, and somehow, from somewhere, citizens who had been silent for years and years came forth with their problems.

This activity sprang from a nebulous, sometimes terrifying (to public officials), exciting (to the citizens) concept that has evolved in the war on poverty. The poverty people call it community action.

And it is happening, often, because of the dollars pumped into the community by the Federal Government's anti-poverty arm, the Office of Economic Opportunity.

Poor citizens in Washington have been awakening, joining hands and voices to try to make an impact and get things changed.

Nine days ago, tenants of the Barry Farm Public Housing Project in Southeast Washington noticed a car that had been parked outside their homes for a long time.

They suspected its occupant was a welfare investigator, a symbol of official harassment and a source of fear to many in public housing projects.

They got together, went into the street and barricaded the man's car and asked the police to arrest him.

Later, these same citizens started picketing the Welfare Department's Investigations and Collections Office in protest against "harassment" by investigators.

Now, they picket almost daily the Alexandria home of William R. Galvin, head of the Office.

And yesterday, they asked whether the Welfare Department is using "a new form of terror" against them. They charged that one picket, Shirley Jones of 1302 Stevens rd. se., has been told she owes the Department \$99 because her husband allegedly stayed away from work six years ago.

"We will fight for her," the group said in a statement. And they asked City officials once again: "Which side are you on?"

A PUBLIC DEBATE

Their actions have raised eyebrows and brought on healthy public debate from District offices to Capitol Hill. Sen. ROBERT C. BYRD (D-W. Va.) has complained that the welfare recipients are harassing the welfare workers and has called on the District Commissioners to protect the employees.

Welfare Director Donald Brewer has had to declare that no picket will be punished but has charged that the United Planning Organization is stirring up trouble. The UPO has retorted that it is simply encouraging the Barry Farm residents to voice their complaints.

These tenants are not the only ones who are getting organized.

Eleven days ago, another group of citizens, these at the Neighborhood Development Center at 3308 14th st nw., pleaded with presi-

dential adviser Charles A. Horsky to do something about the city's welfare rules.

On May 10, a group of Cardozo area citizens attacked the UPO, the city's antipoverty coordinator, for failing to name a Negro to head its Manpower Division.

On Feb. 26, a group of young adults and teenagers from Anacostia sat in at the UPO's main office and, in effect, forced the UPO to sponsor a demonstration project with young people as community organizers.

On Nov. 29, representatives of Lower Cardozo block clubs organized a pep rally to spur the UPO to appoint Samuel Harris director of operations.

On Nov. 1, 80 pickets, organized by UPO workers, marched in front of a tenement house where two families were evicted.

SANCTIONED PROTESTS

Times have changed, and in many areas it is UPO and OEO money that is doing the changing.

All through this, some public officials have been bitterly critical of the UPO, just as, nationwide, some city officials have been critical of the OEO. They say the citizens' noisy demonstrations have not been spontaneous—that they have been "put up to it" by Government-financed organizers.

The thing is, the officials are right.

The poor citizens have been chided into action by paid organizers, but many of these organizers are poor citizens themselves. And the other poor citizens have welcomed the impetus.

The poverty program has put poor people on the payroll and has taught them and others how to make noise and make it effectively. This is what community action money was for in the first place.

In Southeast Neighborhood House, for instance, 50 per cent of the paid neighborhood workers are tenants of public housing. They are men and women who earn \$80 a week.

THE WORKER'S ROLE

The big question is, when does a man picket officialdom as an antipoverty worker and when as an aggrieved citizen?

Ralph Fertig, director of Southeast House, draws the line this way: Staffers can demonstrate only on their own time. He discourages them from speaking out at meetings of the Neighborhood Advisory Board.

"This dual role thing is a real problem," says Joan Cole, head of the UPO's housing division. "Sometimes they get their roles as neighborhood workers confused with that of tenant, and we do have more educating to do here."

The next problem is whether the paid staff is forcing the citizenry further than the citizenry want to go—whether it is more militant.

Say the professional poverty workers:

Poor people do not have book learning, but they have a kind of savvy that has somehow permitted them to exist in a hostile society. It is doubtful that they would blindly follow organizers if they were not convinced of their cause.

Joan Cole says the idea that the paid organizers are more radical than the people is "nonsense. Poor people have both the intelligence and the guts to decide what they want to do," she says.

George Holland, in charge of all ten UPO neighborhood centers, agrees with Mrs. Cole.

Many tenants still refuse to go along, but most feel they are not being dictated to.

Maria Lefwitsch, a Barry Farm tenant, says the organizers "have a little influence over the group, but not that much. They couldn't make us do anything we didn't want to do."

BARRY FARM CLOSEUP

A close look at what is happening at Barry Farm, one of the most changed areas of Washington, illuminates the whole poverty program.

Barry Farm is a dilapidated, isolated housing development in Anacostia. It is between Summer and Wade Roads and Firth Sterling Avenue. Its 2600 tenants live in 442 units, set down in a valley.

The buildings are of dirty white brick and have black slate roofs. The project looks like a concentration camp.

Barry Farm has no public bus transportation, no traffic lights, no laundromats, no supermarkets. Yet it has those 2600 tenants, enough people to fill a small city.

Those people, just five or six months ago, reflected their surroundings.

"The best way to get along here is to mind your own business," one resident told a reporter last year. "People will rat on you in a minute if they know anything about you."

"I hate this place," a teenager said, spitting on the grassless ground. "They named it right. That's just what this place is—a farm!"

The transformation of Barry Farm began after the UPO gave \$162,000 to Southeast Neighborhood House in January, 1965. Southeast House is an old, established welfare agency that is funded partly by the United Giver's fund.

The people who ran Southeast Neighborhood House quickly realized that, while \$162,000 was a lot of money, it wasn't enough to solve many problems. Staffers were troubled that nothing permanent was being accomplished.

So they started to pick some targets, with Barry Farm a principal one.

ORGANIZERS PICKED

First, six "community organizers" were carefully selected. They were to be called the Southeast Target Team (SETT). Chosen to head it was Pharnal Longus, a young man who grew up in Washington's slums and who, at the time, was working for another welfare agency, the United Givers Fund-supported Family and Child Services.

On Jan. 3, 1966, SETT set to work, one street at a time, in Barry Farm.

The six found alienation, anger, complacency, lethargy. Nearly two of every three residents were getting public assistance.

The tenants were afraid of welfare investigators, of their neighbors, of the National Capital Housing Authority, the manager of the city's 40 public housing projects.

The six organizers started knocking on doors. At first, they were just telling residents about the poverty program.

They quickly learned there was plenty of reason for lethargy—many of the residents had not even heard of the poverty program. Many did not have a television set or a radio and did not get newspapers.

They found, too, that some of the people had lived in Barry Farm for five or ten years but had never spoken to a neighbor, any neighbor.

So the workers started "organizing." They asked questions like what community problems affect you, what changes would you make in Barry Farm, how would you go about changing things?

They contacted about half the 2600 residents.

Most of all, they found tenants feeling powerless to do anything. They did have complaints, though.

THE GRIEVANCES

Lack of upkeep of the project was the complaint most often made.

While the team talked to adults, Southeast staffer Leroy Washington spent two months organizing the young people—the idle, hostile jobless teenagers and young adults.

He started with 12 young men who he knew "hung together."

They were suspicious, but he kept talking. Finally they started talking too: about their problems—no jobs, no money, no recreation, no hope.

From these two months of organizing came a 250-member youth group now called Rebels With a Cause.

That the youth of Barry Farm had become organized became very, very clear when Southeast House signed a new contract last January with UPO. The contract omitted one item—pay for young neighborhood workers, like the Rebels With a Cause.

The Rebels first tried to get some results from their elders, the advisers to Southeast Neighborhood House. No luck.

So the youths marched on UPO headquarters. First the UPO's trustees again rejected them. But the Rebels persisted.

Finally, on April 6, they were granted \$15,000 for a trial run of 90 days.

Back home at Barry Farm, people were stunned.

If the youngsters could do it, some of the older people reasoned, maybe we can, too.

With the SETT survey completed, meetings were called. At one, 20 or 30 scared, skeptical people showed up.

Many of them shifted uneasily on the hard, wooden seats of the basement meeting room as the target team encouraged them to think of solutions to their problems.

At one point, the SETT staffers suggested they could even buy Barry Farm from the housing authority, and run it themselves.

But the tenants weren't that far along, yet. They didn't want to swallow a whole loaf, they wanted a bite: They wanted to improve what they had.

They wanted, eventually, a supermarket, a laundromat, bus transportation.

But first they wanted better maintenance, they wanted rodents and bugs controlled, they wanted outdoor lighting.

So, with strength in their numbers and in the Southeast Neighborhood House staff, they set out to tackle officialdom.

They first discussed the need for lighting with two aides of Walter Washington, executive director of the National Capital Housing Authority.

Court lights had been installed several years before, but youngsters had broken the bulbs so many times that the management stopped replacing them.

An aide insulted the tenants by saying: "Barry Farm was without lights for almost 20 years. Why should they be important now?"

AN INITIAL SUCCESS

So the people went over the aide's head to Washington himself.

Washington had new bulbs burning in two days, simply by supplying the tenants nearest the lights with bulbs and asking them to replace broken ones. And light bulbs aren't broken so often any more.

With the success, the tenants of Barry Farm, who now were calling themselves the Band of Angels, were really ready to move.

When Washington announced that \$385,000 would be spent on an improvement project for Barry Farm, they didn't accept it gratefully.

They were worried that the money would be spent for the outside, and they wanted interior repairs.

Lillian Wright, chairman of the Band of Angels, complained that the renovations had been projected without consulting the tenants' "needs, wants or opinions."

Mrs. Wright's efforts to see Washington in his office were rebuffed by a NCHA secretary, she said.

What to do? The tenants already know, from the light bulb incident, that the only way to get things done was at the top.

Longus's team told them they could do one of three things: call a press conference and tell the whole city how they felt; try Walter Washington again, or forget the whole thing.

They called a press conference Feb. 26. To their surprise, four newspapers sent representatives, and all four published stories.

When Washington was called by a reporter to get his side of the story, he moved in quickly.

He said he had never heard of the Band of Angels, but he would be "delighted to meet with them" and right away.

That Sunday, he showed up at the Farm with his top staff.

But the Angels thought they smelled a rat and picketed the meeting. They were resentful of the secretary's rudeness and said they wanted to see Washington downtown.

The incident split the community. "Publicity seekers," some tenants spat at the Band of Angels.

So the target team suggested that the Tenant Council, defunct for years, be reactivated, with the Band of Angels a part of it.

From this grew the recently formed city-wide Tenant Association. Twenty of the city's 40 housing projects are represented.

The Association has held two heated meetings with Washington, at which members issued demands, booted and catcalled.

Residents of public housing insist that their target is not Walter Washington, but rather bad public housing. "He responded real nice to us," one resident explained. "I don't think he knew a lot of things were going on."

Washington has stressed new and more buildings since he has headed the public housing program, and his awareness of the need for services can be seen at Garfield Terrace, where he hired a full-time social worker.

But Barry Farm was in disrepair and the responsibility was Washington's.

Partly in response to what he felt were just demands, he hired a special consultant, a skilled, veteran community organizer who now is making the rounds of the apartments, organizing tenants along less militant lines.

REACTION DIFFERS

Some tenants have applauded the hiring of an organizer by the official agency; others say the action has divided the tenants, pitting neighbor against neighbor.

Washington's organizer insists that any improvements must be a joint affair between tenants and agency. He says members of the tenants' union have tried to break up his meetings and opposed his program of fixing up the project.

"We're after the same thing—a better community," says Longus, the poverty program organizer. "We are attacking the causes and encouraging the poor people to change things themselves. This new move by management is trying to attack the symptoms."

In all of this, Barry Farm is growing; it has become a vital, concerned community.

Its people are learning how to get things done, from getting some light bulbs replaced to getting an organizer assigned to them by officials.

One case made clear their growing readiness to confront authority.

The tenants picketed the Welfare Department's inspections office and intentionally blocked the door. The police arrested one community organizer, Phil Perkins.

The whole group decided to be arrested.

But Southeast Neighborhood House Director Ralph Fertig, renowned as a militant, walked up and advised them that it didn't make sense for them to get arrested "just to go to the precinct and pay \$10."

Later, Maria Lefwich, by now an official of the Tenant Council, said, "Ralph's saying not to was all it took for some people to back out."

Tenants claimed Fertig's moderating influence split the group.

FERTIG HAS DOUBTS

Fertig, who has been arrested in civil rights demonstrations in the South, says he emerged from the incident as a "ratfink."

"Maybe it was bad advice," he says now. "Maybe they needed just the experience of getting arrested for a cause they believed in."

The irony of the incident is that these were the same people who, just months ago, were afraid to even speak to their neighbors, too reluctant to attend a community action meeting.

Now they were beginning to be more radical than their mentors.

Barry Farm is still a slum. It still has no buses, no traffic lights, no laundromats and no supermarkets. But it does have light bulbs.

And for the first time residents have a say in the decision-making that concerns their daily lives. They have an avenue through which to act in their own behalf.

And it feels good, they say. "I just felt wonderful walking in front of Galvin's house," a Barry Farm tenant said of her first picketing experience. "It was like . . . like you was full up. It was like nothing I've felt before. For once in my life I wasn't just throwing up my hands. I was saying, 'This is wrong.'"

Barry Farm will never be the same.

COMPTROLLER GENERAL OF THE UNITED STATES, Washington, July 26, 1962.

To the CHAIRMEN, Subcommittees on District of Columbia, Senate and House Committees on Appropriations:

Herewith is our report on the investigation of selected cases under the Aid to Dependent Children (ADC) Program, administered by the Public Assistance Division (PAD), Department of Public Welfare, District of Columbia Government, June 1962. We participated in the investigation pursuant to your request of March 6, 1962.

The investigation of 236 ADC cases disclosed that the recipients in 133, or 57 percent, of the cases were ineligible for financial assistance under the eligibility requirements and need standards as prescribed by the Board of Commissioners. The ineligibility of the recipients in 69 of the cases was directly related to the so-called man-in-the-house rule, although in 32 of the cases other ineligibility findings also existed.

The high incidence of ineligibility of the recipients in the 236 cases investigated leads to the conclusion (1) that the PAD, in its determinations and redeterminations of the recipients' eligibility, either had not completely verified facts represented by the recipients as entitling them to financial assistance or had not maintained sufficiently close contact with the recipients to be aware of changes in their conditions or circumstances affecting their continued entitlement to financial assistance, (2) that reliance cannot be placed on the caretaker-relatives (parents or other relatives of specified relationship) to inform the PAD of the actual conditions or circumstances which have a bearing on the recipients' eligibility for financial assistance, and (3) that the ADC cases not covered in the current investigation should be investigated to determine whether or not the recipients are eligible for the financial assistance they are receiving.

We believe that a continuing field investigation should be instituted with the objective of investigating ADC cases for the purpose of determining the eligibility of the recipients for financial assistance and the effectiveness of the PAD's prior verification of representations by the recipients. We believe also that such a continuing field investigation program should be conducted by an investigative unit organizationally placed outside the Public Assistance Division with a reporting responsibility not only to the PAD, but also to the Director, Department of Public Welfare. We believe further that pro-

cedures should be adopted to insure that the investigative findings are given adequate and proper consideration by the PAD in making its eligibility determinations.

JOSEPH CAMPBELL, Comptroller General of the United States.

REPORT ON INVESTIGATION OF SELECTED CASES UNDER THE AID TO DEPENDENT CHILDREN PROGRAM, DEPARTMENT OF PUBLIC WELFARE, DISTRICT OF COLUMBIA GOVERNMENT, JUNE 1962

The General Accounting Office has participated with the Department of Public Welfare (DPW), District of Columbia Government, in an investigation of selected cases administered by its Public Assistance Division (PAD) under the Aid to Dependent Children (ADC) Program. The purpose of the investigation was to determine the facts having a bearing on the eligibility of the recipients for financial assistance under the eligibility factors and need standards, as prescribed by the Board of Commissioners, and to establish whether, on the basis of the facts, the recipients are eligible for such assistance.

The Department of Public Welfare started its investigation of the ADC cases on November 13, 1961. The General Accounting Office participated in the fact-finding phase of the investigation beginning on March 14, 1962, pursuant to a request on March 6, 1962, of the Chairmen of the Subcommittees on District of Columbia, Senate and House Committees on Appropriations.

SUMMARY OF INVESTIGATION FINDINGS AND ACTIONS TAKEN

The PAD Office of Research and Statistics selected 280 ADC cases—about 5 percent of the caseload—for investigation. Subsequently, it was determined that 42 cases had been closed by the PAD prior to review by the investigative unit established to ascertain the factual information, that the caretaker-mother in 1 case was not investigated because she was in residence at the Residential Training Center, and that the proper record had not been furnished to the investigative unit in another case. Therefore the investigation actually pertained to only 236 cases. The investigation of these cases resulted in eligibility determinations by the PAD, as follows:

	Number of cases	Percent to total cases
Recipients ineligible for financial assistance.....	141	59.8
Recipients eligible for continued financial assistance.....	95	40.2
Total.....	236	100.0

Upon the PAD's notifying the recipients in the 141 cases of their ineligibility for financial assistance, a number of the recipients gave notice of their intention to appeal the discontinuance of the assistance. By June 25, 1962, the PAD had informed us that the status of the 236 cases was as follows:

	Number of cases	Percent of total cases
Action based on investigative findings:		
Financial payments discontinued.....	127	
Financial payments continued based on appeal findings.....	3	
Appeals pending.....	3	
	133	56.3
Financial payments continued:		
No infractions of eligibility requirements or need standards.....	23	
Adjustments in payments based on existing need.....	20	
Miscellaneous administrative adjustments.....	52	
	95	40.3
Action based on events occurring subsequent to investigation:		
Financial payments discontinued.....	7	
Appeals pending.....	1	
	8	3.4
Total.....	236	100.0

PURPOSE OF THE AID TO DEPENDENT CHILDREN PROGRAM

The purpose of the Aid to Dependent Children Program, as stated in the PAD Manual, is "to encourage the care of dependent children in their own homes or in the homes of relatives through financial assistance and other social services to the needy dependent children, and to the parents or relatives with whom they are living, to help maintain and strengthen family life and to help parents or relatives to attain the maximum self-support and personal independence consistent with the maintenance of continuing parental care and protection." In Aid to Dependent Children cases, the child is the recipient and payment is made to the parent or relative in his behalf.

The District of Columbia Aid to Dependent Children Act defines "dependent child" as a child who has been deprived of parental support or care by reason of death, continued absence from the home, or physical or mental incapacity of a parent. However, the PAD Manual requires that both "need" and "deprivation of parental support or care" exist in each case without regard to whether one condition results from the other.

The PAD Manual provides that a needy child to be eligible for financial assistance (1) must be under the age of 16 or, if be-

tween the ages of 16 and 18, must be in regular attendance at school or be prevented therefrom by physical or mental disability, (2) must be living with a caretaker-relative—father, mother, or other relative of a specified degree of relationship—in a place of residence maintained by the relative as his own home and in which the relative exercises the primary responsibility for the care of the child, and (3) must meet the District of Columbia residence requirements.

The manual sets forth definitions of what constitutes deprivation of parental support by reason of death of a parent, incapacity of a parent to work, a mother's unavailability to work, and a parent's continued absence from the home.

The PAD Manual defines "need" as that part of the subsistence requirements of an assistance unit (caretaker-relative and children) which can not be met by available income and other resources. The manual provides that the requirements of an assistance unit shall be based on Budget Standards prescribed by the Board of Commissioners. The Budget Standards are stated to have been developed on the basis of the cost, obtained from studies made by the Department of Agriculture, of the subsistence requirements recognized as constituting the essentials of living. These requirements include basic personal requirements—food,

clothing, and housekeeping necessities—and shelter requirements. The budget allowances prescribed for the items constituting the subsistence requirements vary according to the number of persons making up the "assistance unit" and their living and eating arrangements. The budget allowances for shelter requirements are the actual costs incurred but not in excess of prescribed maximum amounts which vary according to the number of persons in the assistance unit.

The manual contains detailed procedures, criteria, and instructions for (1) determining the eligibility of a child for financial assistance under many varying conditions, (2) applying the Budget Standards in determining the amount of an assistance unit's subsistence requirements under varying situations, and (3) determining the income and resources of any and all members of the assistance unit.

REASON FOR CONDUCTING THE INVESTIGATION

The Department of Public Welfare's investigation of the ADC cases was undertaken pursuant to a request of the Senate Committee on Appropriations in its report on House bill 8072,¹ a bill to provide appropriations for the District of Columbia for 1962. The Committee stated, in part: "Public assistance in the District of Columbia has been continually increasing over the past several years, particularly in the aid to dependent children and general public assistance categories. The Committee is concerned over this upsurge in grants and recommends that the Department establish, within available funds, a pilot project composed of at least five investigators to ferret out any so-called freeloaders who may be benefiting under the public assistance program. * * *"

PLANNING AND DIRECTION OF THE INVESTIGATION

The Board of Commissioners, on October 5, 1961, approved the establishment of an investigative committee to plan and direct the investigation. The committee was made up of seven representatives of the District of Columbia Government—four from the Department of Public Welfare, two from the Internal Audit Office, and one from the office of the Corporation Counsel—and a representative of the Public Welfare Advisory Council. The committee, in a meeting on November 6, 1961, decided that:

1. The investigation of the public welfare cases would be conducted by an independent investigative unit to be established in an office apart from the Public Assistance Division which has the responsibility for the administration of the various public welfare programs.

2. The investigative unit would be headed by the Chief, Resources and Investigation Division,² Department of Public Welfare, who would conduct the investigation under the supervision of the committee and the operational direction of the Deputy Director, Department of Public Welfare.

3. The investigation would be conducted in a manner that would avoid all possible implications that it was not entirely and completely objective both in its approach and in its findings.

The Investigative Committee adopted procedures for the conduct of the investigation. Generally they provided for:

1. The Office of Research and Statistics to make a scientific selection of ADC cases for investigation.

¹ Senate Report 993, Eighty-seventh Congress.

² Subsequently redesignated as the Office of Investigations and Collections.

2. The Investigative Unit to:

a. Analyze each case and record on a case schedule the essential information and eligibility factors involved in the case.

b. Make a field investigation of each case to determine the validity of the information and the eligibility factors.

c. Submit a comprehensive report on the field investigation to the PAD for determining the eligibility of the recipient on the basis of the reported investigative findings.

3. The PAD to (a) review the field investigative report on each case and determine the eligibility or ineligibility of the recipient on the basis of the facts disclosed in the report and (b) notify the chief of the investigative unit of the determination and the action taken, if any.

4. The chief of the investigative unit to refer each case in which he does not concur in the PAD's determination of eligibility to the Chairman of the Investigative Committee for consideration.

5. The Investigative Committee to review, summarize, and analyze investigative findings and to make recommendations for further avenues of investigation depending on the nature of the findings.

CONDUCT OF THE INVESTIGATION

On November 13, 1961, the DPW established an investigative unit in the Bell School Building, Second Street and Virginia Avenue, S.W.—with a staff of five investigators under the direct supervision of the Chief, Resources and Investigation Division—to undertake the investigation of the ADC cases that had been selected. Five more investigators were added to the staff in the early part of January 1962.

The General Accounting Office, on March 12, 1962, assigned 10 representatives to work with the DPW investigators, pursuant to the request of the Chairmen, Senate and House Subcommittees on District of Columbia, in a joint letter dated March 6, 1962, that we participate in the investigation in order to accelerate its completion and to insure its independence.

At March 14, 1962, the investigative unit had completed its investigation of 115 of the 236 ADC cases. Also, the PAD had determined the eligibility status of the recipients for financial assistance in 82 of the 115 cases. Therefore, our direct participation in all phases of the field investigation was limited to 121 of the ADC cases.

The following comments pertain to the conduct of the investigation of the cases in which we participated. However, our review of the reports on the investigation of the cases that had been completed prior to our participation indicates that the same approach had been followed in respect to those cases.

The investigation generally was conducted in accordance with the adopted procedures as previously described. A minimum of four home visits were made in all cases except in those cases where ineligibility findings were disclosed by fewer visits. The initial visit was usually made at night or early Saturday or Sunday morning, at which time all members of the families would most likely be at home and available for interview. The initial home visit was made by two investigative teams, one to conduct the interview and the other to assure that no person left the home to avoid the disclosure of his presence. Each investigative team conducting a home visit comprised a DPW investigator and a GAO representative.

The initial home visit was made for the purpose of (1) verifying the facts related to the assistance unit (2) determining the iden-

tity and relationship to the household of any person present who was not a part of the assistance unit, (3) inspecting the living areas to ascertain whether they indicated that a male other than one included in the assistance unit actually was part of the household, and (4) inspecting the household facilities to ascertain whether they were indicative of unreported resources. Additional home visits and home surveillances were made at night and early Saturday and Sunday mornings to verify all information obtained during the initial home visit and to determine whether any unreported male actually resided in the home or had access thereto.

Collateral inquiries were also made which included (1) the checking of (a) vital statistics records to determine the identity and age of the children of the household and (b) school records to determine children's attendance, and (2) various other checks to determine (a) in the case of a person constituting part of the assistance unit, whether facts had been correctly reported relating to his relationship to the household, resources, and employability or whether he had been involved in any transaction or circumstances inconsistent with the case record information, (b) in the case of any other person residing in the home, his relation to the household and the extent of his contribution to the maintenance of the household, and (c) in the case of a male found in the home, but not a resident thereof, his relationship to the household, his regular place of abode, and his employment status. These latter checks involved contacting employers, utility companies, real estate companies, the Police Department, and the Department of Motor Vehicles, as well as other persons and organizations.

Investigative findings

A summary of PAD's determinations of eligibility of the recipients for financial assistance in the 236 cases investigated and the actions taken or pending are presented beginning on page 2 of this report. Comments relating to the cases in which the recipients were considered to be either eligible or ineligible for financial assistance are contained in the following sections.

Recipients eligible for financial assistance

The investigation disclosed information indicating that the recipients in 95, or 40 percent, of the 236 cases investigated were eligible for continued financial assistance (see p. 2) but that an adjustment was necessary in the amount of the assistance payments in 20 cases and that some administrative action was necessary in 52 cases to bring them into conformity with manual requirements (see p. 3).

Recipients ineligible for financial assistance

As shown on page 3, the recipients in 141, or 60 percent, of the ADC cases investigated were determined by the PAD to be ineligible for financial assistance—in 133 cases, on the basis of ineligibility findings disclosed by the field investigation and, in 8 cases, on the basis of events that occurred subsequent to the completion of the field investigation.

In the following table the 133 cases are classified according to the investigative finding which, in our opinion, had the most significant bearing on the recipients' eligibility status. Only one ineligibility finding was disclosed in each of 72 cases, and an average of 2.2 ineligibility findings was disclosed in 61 cases. In appendix II, a further classification of the cases is presented to show the nature of the additional ineligibility findings that existed in the 61 cases.

Ineligibility finding	Number of cases—			Number of ineligibility findings
	Considered to be ineligible	Having a single ineligibility finding	Having additional ineligibility findings	
Man-in-the-house rule:				
Mother living in continuing relationship with a man who is her husband and/or father of her ADC children.....	31	21	10	44
Mother living in home with man other than her husband or father of her ADC children, in relationship similar to that of husband and wife.....	20	9	11	33
Man constituting an undeterminable resource.....	10	7	3	13
Total.....	61	37	24	90
Other ineligibility findings:				
Resources undeterminable for other reasons.....	11	9	12	13
Living arrangements not clarified.....	11	4	17	22
Parent employed.....	3	1	2	5
Parent employable.....	29	13	16	49
No eligible child in home.....	4	3	1	5
Refusal to cooperate.....	8	2	16	16
Miscellaneous.....	6	3	3	9
Total.....	133	72	61	209

¹ Includes 2 cases involving "man constituting an undeterminable resource."
² Includes 1 case involving "man constituting an undeterminable resource."
³ Includes 3 cases involving "man constituting an undeterminable resource."

Man-in-the-house rule

The foregoing table shows that the recipients in 61 of the 133 ADC cases were considered to be ineligible because of the involvement of a man in a situation related to the so-called man-in-the-house rule. We ascertained that in eight additional cases a man was involved but the cases were classified according to other investigative findings deemed to be more significant. Thus, the man-in-the-house rule was a factor in 69, or 51.9 percent, of the 133 cases, or 29.2 percent of the 236 cases investigated. However, in 32 of the 69 cases, other investigative findings were disclosed, any one of which, in our opinion, constituted sufficient reasons for considering the recipients to be ineligible. It is important to point out that, in the 37 cases where the sole finding related to the man-in-the-house rule, there is the possibility that other ineligibility factors also may have existed since the cases were not investigated beyond the point where it was definitely established that they were ineligible because of that rule.

Mother living in a continuing relationship with a man who is her husband and/or father of her ADC children

The investigation disclosed 31 ADC cases where the caretaker-mother was associating with her husband and/or father of one or more of her children in a manner which negated the claim that the children were deprived of parental support by reason of the continued absence of the parent from the home. The PAD Manual, in section 243.132, states that:

"A parent is considered to be continually absent from the home * * * if he is known to be residing away from the home under conditions which imply a definite dissociation from the normal marital relationship and from the normal exercise of parental custody and control of the children; this dissociation may exist whether or not the absent parent's whereabouts are known and whether or not he is making a financial contribution. * * * Continued absence does not exist solely because the parent rents or has living quarters available at another address or is supporting by court order. If the parents are engaging in a marital relationship and the man has free access to the home, then that man is not to be considered as 'absent from the home.'

"Only in situations where strong, convincing evidence is submitted that a parent is

no longer in the home and has discontinued his relationship, shall the factor of continued absence be established."

The manual, in section 243.134, g, states: "Children are ineligible whose mother associates with a man in a relationship similar to that of husband and wife and the man continues a relationship with the children similar to that of father and children regardless of whether such man lives in the home."

In each of the 31 cases there was no clear dissociation of relationship between the mother and her husband and/or the father of her children. In eight cases the relationship was between the mother and her husband, and in 23 cases the relationship was between the mother and the father of one or more of her children.

Mother living in home with a man other than her husband or father of her ADC children in relationship similar to that of husband and wife

The investigation disclosed 20 ADC cases where the caretaker-mother was living with a man other than her husband or the father of any of her children in a relationship similar to that of husband and wife.

The PAD Manual, in section 243.134, states that: "Children are ineligible whose mother associates with a man in a relationship similar to that of husband and wife and the mother, her children, and such man live in a family setting regardless of whether such man is the father of the children."

The recipients were considered to be ineligible in 9 cases solely on the basis of the finding related to the foregoing regulation and in 11 cases on the basis of that finding and various other investigative findings.

Man constituting an undeterminable resource

The investigation disclosed 10 ADC cases where the recipients were deemed to be ineligible for financial assistance because of the presence in the home of a man or men whose relationship to the mother and/or the children and the extent of their contribution to the support of the mother and the children could not be determined. A similar situation existed in eight other cases where the recipients were considered to be ineligible because of other more significant investigative findings.

The PAD Manual, in section 243.134, h, provides, in respect to the situation disclosed in the 18 cases, that a mother and her children may receive financial assist-

ance even if the mother maintains a conjugal relationship with a man, provided the mother and her children are otherwise eligible and all resources available to the mother and the children are determined or clarified in establishing need.

The investigation disclosed that, in each of these cases, a man or men were present in the home but the nature of their relationship with the mother could not be established. Consequently, in none of these cases could the existence of need be established because the extent of the resources available to the mother and children that resulted from the presence of the man or men in the home could not be determined or clarified.

Other ineligibility findings

Resources Undeterminable

The investigation disclosed that in 11 ADC cases there was evidence of resources available to the recipients but the extent of such resources could not be determined. The finding of undeterminable resources also was present in 39 additional cases which were classified as ineligible on the basis of more significant findings.

The existence of undisclosed resources was determined by admissions of the caretaker-relatives (parents or other relatives of a specified relationship) or by evidence that the family was living on a scale beyond that possible under the financial assistance being provided. In each case, the caretaker-relative was either unwilling or unable to satisfactorily explain the existing situation. Therefore, it was impossible to definitely establish that a need for financial assistance existed.

Living Arrangements Not Clarified

The investigation disclosed that in 11 ADC cases the relationships between the parents of the children and various other persons living together in the same dwelling could not be determined. The same situation existed in 13 additional cases where the recipients were considered to be ineligible because of other investigative findings deemed to be more significant.

The questionable relationships which the parents of the children were unwilling to clarify were with landlords, relatives, and purported visitors. This failure to clarify the living arrangements made it impossible to determine either the extent of the available resources or that need for financial assistance existed.

Parents Employed

The investigation disclosed three ADC cases in which the parents of the ADC children were employed full time. In two of these cases other findings were also present, and in two additional cases the parent was found to be employed but the cases were considered ineligible because of the existence of more significant findings.

The PAD Manual, in section 235.100, provides that assistance shall be denied in those cases where a parent is employed full time.

Parents Employable

The investigation disclosed 29 ADC cases where the recipients were considered to be ineligible because the ADC parents were employable. Also, in eight additional cases the parents were employable, although the recipients were considered to be ineligible because of other more significant findings.

The PAD Manual, in section 243.121, states that it is generally expected that a mother without a husband will work to help support her children if she is not incapacitated and if there are relatives or other reliable persons available to care for her children. It also sets forth criteria for guidance in determining whether a mother is employable.

In 16 of the 29 cases, other investigative findings bearing on eligibility were also present.

No Eligible Child in Home

The investigation disclosed four ADC cases where financial assistance payments were being made although no eligible children were in the homes. In two cases, the only child in the home was over 16 years of age but he did not meet the eligibility requirements for a child over that age because he was not attending school regularly. In one case, the child, in respect to which financial assistance had been granted, had not been living in the home since August 1961. In the remaining case the only child in the home was not related to the caretaker within the required specified degree of relationship.

Refusal To Cooperate

In eight ADC cases the recipients were considered to be ineligible because the caretaker-relatives refused to cooperate with the investigators in their attempt to determine facts substantiating that the children had been deprived of parental support or care, or to determine the extent of any existing need. In six of these cases other ineligibility findings were present. In five additional cases there also was a refusal to cooperate although the recipients were considered to be ineligible because of other reasons.

With respect to determining need, the PAD Manual, in section 350.000, states:

"The agency, therefore, needs factual and authentic information concerning an applicant's and recipient's income and resources in cash and in kind, in order to evaluate and measure them against the Budget Standard for the determination of the amount of the person's need.

"a. The Worker must clearly explain to the client why the information is needed, and must help him to understand that he has three choices:

- "1. Having his need determined by providing the required information, or authorizing the Worker to obtain it;
- "2. Withdrawing his application;
- "3. Being denied assistance since his need cannot be determined.

"An applicant or recipient who refuses to supply, obtain, or to authorize the Worker to obtain information regarding his income and other resources, thereby makes himself ineligible for assistance because his need cannot be established."

The caretaker-relatives' refusal to cooperate with the investigators generally consisted of a refusal to admit the investigators into the home, a refusal to allow the investigators to inspect the interior of the home in order to determine living arrangements, or a refusal to supply information needed to establish the eligibility of a child or children for financial assistance or the extent of the need.

Miscellaneous

In six ADC cases the recipients were determined to be ineligible for financial assistance for the following reasons.

1. Failure of returned husband to register with United States Employment Services (USES)—two cases.
2. Husband's absence only a separation of convenience.
3. Presence of coin-operated machines in home.
4. Absent husband willing but not permitted to return to home (absence not established).
5. Parent's purported incapacity to work not established.

With respect to reason 1, the PAD Manual, in section 243.120, states, in effect, that the provisions set forth in sections 244.00 and

245.00, which relate to the General Public Assistance Program, are applicable to the ADC Program. Section 245.310 states that active registration with the USES, as a part of the recipients effort to find work, is an eligibility requirement. In the two cases where the recipients were deemed ineligible for the reason of failure to register with USES, originally the children had been determined to be eligible on the basis of continued absence of the fathers who were committed to the Occuquan Workhouse. In both cases they had been released and were not employed but had not registered with USES.

With respect to the case under reason 2, the investigation disclosed that although the absent parent had dissociated himself from the normal family relationship the absence was primarily for the purpose of enabling the mother and children to obtain ADC aid. In this connection the PAD Manual, section 243.132, states: "Continued absence is not established when, in the judgment of the agency, a man or woman who have lived together make separate living arrangements for the purpose of establishing eligibility for assistance."

In regard to the case under reason 3, the investigation disclosed the presence in the home of several coin-operated machines constituting business activities. These machines consist of a telephone with a lock on it, two television sets, and a washing machine. In addition, there was evidence that the parent in this case may have been engaged in the illegal distillation of whiskey and in other business activities. The PAD Manual, in sections 352.470 and 352.500, states, in effect, that under such circumstances financial assistance cannot be granted in the absence of a clarification of resources in order to determine whether any need exists.

In the case under reason 4, the investigation disclosed that the absent husband was willing to return to his family but was prevented from doing so by his wife. The PAD Manual, in section 243.138, provides that: " * * * if the woman bases her need for assistance on the reason of her unwillingness to live with her husband, or to permit him to live in the home, and he is willing to live with and support his family, they are not considered to be in need."

In the final case, an examination of the case record disclosed evidence that the recipients were ineligible because the father, who had been considered unemployable, had not complied with the regulation requiring periodic medical reports to be furnished in support of his claim of unemployability.

Voluntary withdrawals from program

During the investigation, 13 caretaker-mothers voluntarily signed statements expressing their desire to withdraw from the ADC program. In two cases, the ADC mothers refused to cooperate with the investigators by denying them permission to examine or inspect the living arrangements and chose to withdraw from the program instead. In each of the other cases the withdrawal request was made after the investigation had disclosed findings which adversely affected the eligibility of the recipients.

EFFECT OF DISCONTINUANCE OF FINANCIAL ASSISTANCE

As shown on page 3, the PAD discontinued financial assistance payments in 134 cases of the 236 cases investigated. The discontinued monthly payments, aggregating \$20,881, had been made on behalf of 511 children.

We have not attempted to estimate the savings that may accrue to the District as a result of the discontinuance of financial

assistance in the 134 cases because of the probability that, in some instances, the caretaker-mother may effect changes in her living arrangements that would result in her children's becoming eligible for assistance and, in other instances, actions may be taken to clarify resources or living arrangements or to otherwise comply with the prescribed eligibility requirements and need standards.

PROPOSAL TO LIBERALIZE THE AID TO DEPENDENT CHILDREN PROGRAM

The Director, Department of Public Welfare, in hearings held on May 24, 1962, before the Subcommittee of the Committee on Appropriations, House of Representatives, presented for consideration a program for Aid to Dependent Children of Unemployed Parents (see p. 1257 of the hearings) predicated on congressional passage of House Bill 10606, and act providing for an extension through June 30, 1967, of Federal financial participation in aid to dependent children of unemployed parents. The Director, in response to a question by the Chairman of the Subcommittee as to what percentage of the ADC cases investigated would have been determined to be ineligible if there had been a change in eligibility requirements, stated: "Assuming the policy on the man in the home were to be changed and if the District were to extend aid to the unemployed, I don't believe there would be a very large percentage, much beyond 17—maybe it would go to 25 percent. But the statistics that have been reported have indicated that most of the reasons given for the closing of the cases, or finding them ineligible has been related to the man-in-the-home policy * * *."

The investigation was not directed toward ascertaining the employment status of the men involved in the 69 cases where the recipients were considered to be ineligible because of the man-in-the-house rule—in 37 cases solely because of that rule and in 32 cases because of that rule and other ineligibility findings. (See p. 14.) However, the fact that the men involved in 24 of the 37 cases and in 21 of the 32 cases were employed was disclosed through statements made by the mothers of the ADC children or by the men themselves, either to the investigators or to public utility or other companies when seeking service or credit, and verified by the investigators through interviews with the indicated employers. Therefore, since the ineligibility of the recipients was based solely on the man-in-the-house rule in only 37 cases and since the men involved in 24 of the cases were employed, it would appear that in only 13 of the cases would the recipients have been eligible for financial assistance if the proposed program and the man-in-the-house policy, as outlined on page 1254 of the hearings, had been in effect. Thus, instead of 133 ineligible cases, as shown on page 3 of the report, there would have been only 120, or 50.8 percent of the 236 cases investigated, unless the extent of the men's employment in the 24 cases did not meet the criteria set forth in the proposed program.

CONCLUSIONS

The high incidence of ineligibility of the recipients for financial assistance in the 236 ADC cases, as disclosed by the investigation and confirmed by the PAD, leads to the conclusion (1) that the PAD, in its determinations and redeterminations of the recipients' eligibility, either had not completely verified facts represented by the recipients as entitling them to financial assistance or had not maintained sufficiently close contact with the recipients to be aware of changes in their conditions or circumstances affecting their continued entitlement to financial assistance, (2) that reliance cannot be

placed on the caretaker-relatives (parents or other relatives of specified relationship) to inform the PAD of the actual conditions or circumstances which have a bearing on the recipients' eligibility for financial assistance, and (3) that the ADC cases not covered in the current investigation should be investigated to determine whether or not the recipients are eligible for the financial assistance they are receiving.

We believe that a continuing field investigation program should be instituted with the objective of investigating ADC cases for the purpose of determining the eligibility of the recipients for financial assistance and the effectiveness of the PAD's prior verification of representations by the recipients. We believe also that such a continuing field investigation program should be conducted by an investigative unit organizationally placed outside the PAD with a reporting responsibility not only to the PAD, but also to the Director, Department of Public Welfare. We believe further that procedures should be adopted to insure that the investigative findings are given adequate and proper consideration by the PAD in making its eligibility determinations.

APPENDIX I

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
March 6, 1962.

Hon. JOSEPH CAMPBELL,
Comptroller General of the United States,
Washington, D.C.

DEAR MR. CAMPBELL: This will confirm our verbal request for your office to furnish the investigative personnel that may be required to accelerate completion of the special public assistance investigation now being made by the Welfare Department of the District of Columbia Government. As you know, this investigation was urged by our Committees during the last session of Congress with a view to ferreting out any cases of violators on the welfare rolls. Since a sizeable number of ineligible cases have already been disclosed in the 280 selected cases, it is deemed important that all such cases be subjected to an independent review and report by your office.

It is requested that your report include such additional pertinent information on the District welfare program as may be determined of interest to the Committees.

Copies of communications with Commissioner Tobriner giving further details on the subject matter are enclosed.

With warm personal regards, we remain Sincerely yours,

ROBERT C. BYRD,
Chairman of Subcommittee on District of Columbia Appropriations Committee on Appropriations, U.S. Senate.

WILLIAM H. NATCHER,
Chairman of Subcommittee on District of Columbia Appropriations Committee on Appropriations, House of Representatives.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., July 30, 1962.

Hon. ROBERT C. BYRD,
Chairman, Subcommittee on District of Columbia, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: Herewith is our special report on the investigation of selected cases under the Aid to Dependent Children Program administered by the Public Assistance Division of the Department of Public Welfare, District of Columbia Government, June 1962.

This report, which is being submitted pursuant to your request of June 18, 1962, contains certain information in respect to the investigated cases in addition to that con-

tained in the report submitted to you on July 26, 1962.

Because of the nature of the investigation, many of the statements contained in the report are necessarily based on conclusions arrived at after a reasonable evaluation of facts disclosed through observations, interviews, and admissions and through examination of public and business records.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

SPECIAL REPORT ON INVESTIGATION OF SELECTED CASES UNDER THE AID TO DEPENDENT CHILDREN PROGRAM, DEPARTMENT OF PUBLIC WELFARE, DISTRICT OF COLUMBIA GOVERNMENT, JUNE 1962

(By the Comptroller General of the United States)

The General Accounting Office submitted a report to the Chairman, Subcommittee on

District of Columbia, Senate and House Committees on Appropriations, on the investigation of selected cases under the Aid to Dependent Children (ADC) Program, Department of Public Welfare (DPW), District of Columbia Government, on July 26, 1962. This report contains certain additional information in respect to the cases investigated, as requested by letter dated June 18, 1962. (See Appendix IX.)

CASES INVESTIGATED AND ACTIONS TAKEN

The aforementioned report pointed out that of 280 cases selected by the Public Assistance Division (PAD), Department of Public Welfare, for investigation, 42 cases had been closed prior to review by the investigative unit established by the DPW and that two cases were not investigated. The report showed that for the 236 ADC cases investigated, the PAD had informed us by June 25, 1962, that the status of the cases was as follows:

	Number of cases	Percent of total cases
Action based on investigative findings:		
Financial payments discontinued.....	127	
Financial payments continued based on appeal findings.....	3	
Appeal pending.....	3	133 56.3
Financial payments continued:		
No infractions of eligibility requirements or need standards.....	23	
Adjustments in payments based on existing need.....	20	
Miscellaneous administrative adjustments.....	52	95 40.3
Action based on events occurring subsequent to investigation:		
Financial payments discontinued.....	7	
Appeal pending.....	1	8 3.4
Total.....	236	100.0

In appendixes I through VIII of this report the 280 cases selected by the PAD for investigation are listed to show (1) the 42 cases that had been closed prior to review by the investigative unit, (2) the 2 cases not investigated, and (3) the 236 cases that were investigated. Those in the latter group have been classified according to their eligibility or ineligibility status. Comments pertaining to the cases in each of the foregoing categories are contained in the following sections of this report.

CASES CLOSED PRIOR TO INVESTIGATION

Shown as appendix I are the 42 cases in this category. We reviewed 28 of these cases for the purpose of evaluating the propriety of the actions taken. We believe that the actions were proper in view of the circumstances involved in each case.

CASES NOT INVESTIGATED

Listed as appendix II are the two active cases which were not investigated. In one of these cases the mother of the ADC children was a resident of the DPW's Residential Training Center, and an investigation of the case was deemed to be inexpedient. In the other case, the PAD inadvertently furnished the investigators a case record pertaining to a previous award which had been discontinued, and the fact that the assistance payments had been reinstated did not become known until after the field investigation work had been completed.

RECIPIENTS ELIGIBLE FOR CONTINUED ASSISTANCE

No infractions

Listed as appendix III are the 23 cases in which no infractions of PAD Manual requirements were disclosed by the investigation. Of the 23 cases, 10 had been investigated prior to our participation in the investigation. However, our review of the investigation reports on these cases indicated no reason for disagreeing with the PAD's conclusions.

The amount of the assistance payments in the 23 cases ranged from \$62 to \$292 a

month, the number of children receiving aid ranged from 1 to 7, and the commencing date of the payments ranged from January 1953 to September 1961. The cases in which assistance had been granted more recently involved the greatest number of children and the largest monthly payments.

The monthly assistance payment in one case was reduced \$33 because of the death of a child which occurred during the period of the investigation.

The fact that the investigation disclosed no irregularities in only 23 cases, or in only 9.7 percent of the cases investigated, is most significant and indicates a very serious weakness in the administration of the ADC Program.

Adjustment of assistance payments

Listed as appendix IV are the 20 cases in which the recipients were considered eligible for continued assistance but circumstances existed which required the monthly assistance payments to be adjusted.

In 15 cases, the monthly payments were reduced by amounts ranging from \$12 to \$72. In four of these cases, the monthly payments for 1, 2, or 3 months were further reduced in varying amounts to compensate for income which had been received in prior months but not reported. In three cases, similar deductions were made although the rate of the regular monthly payment was not changed.

In one case the monthly payment was increased by \$6 because the recipients were required to move to more suitable quarters.

We participated in the field investigation of 5 of the 20 cases. While the investigation of the other 15 cases had been completed prior to our participation in the investigation, our review of 2 of these cases indicated no basis for disagreeing either with the adequacy of the investigation conducted or with the propriety of the actions taken.

Administrative adjustments needed

Appendix V lists the 52 cases in which the recipients were determined to be eligible

for continued assistance but which required some administrative action. In some cases, the administrative action to be taken was dependent on actions required to be taken by the caretaker-relatives (parents or other relatives of specified relationship).

Examples of the types of actions required follow.

1. Refer to Office of Investigations and Collection (OIC) for recovery of overpayments.
2. Require unemployable parent to obtain an overdue medical examination report.
3. Require mother to take certain required action to locate missing husband.
4. Correct records to show change of address and recompute rental needs.
5. Consider the feasibility of referring children to the Child Welfare Division (CWD).
6. Correct records relating to birth dates of children.
7. Revise rental needs because of change in number of persons occupying a dwelling with members of an assistance unit (caretaker-relative and children).

We participated in the investigation of 24 of the 52 cases. Also, we reviewed 3 of the 28 cases which had been investigated prior to our participation in the investigation and found no reason for disagreeing either with the investigative findings or with the actions necessary to comply with normal requirements.

In 1 of the 24 cases which we investigated jointly with the PAD, the recipients appeared to be ineligible on the basis of findings indicating that both the ADC mother and father were employable. The PAD subsequently obtained medical information which indicated that the father was capable of part-time work only and made arrangements for him to receive medical treatment. Also, the PAD directed the mother to register with United

States Employment Service (USES) and to report weekly on her efforts to find employment.

Although the recipients in each of the 52 cases were determined by the PAD to be eligible for continued assistance, the fact that, in some cases, they were required to take certain actions to completely meet the eligibility requirements and that the failure to do so could result in their becoming ineligible for continued financial assistance is a further illustration of a weakness in the PAD's administration of the program.

RECIPIENTS INELIGIBLE FOR CONTINUED ASSISTANCE

The PAD determined that 141 of the 236 cases investigated were ineligible for financial assistance—133 cases on the basis of the investigative findings and 8 cases on the basis of events occurring subsequent to the investigation. Assistance payments were later reinstated in 3 of the 133 cases on the basis of appeal findings. Appeals are pending in 1 of the 133 cases and in 1 of the 8 cases.

The 133 cases are classified in the following table according to the investigative finding which, in our opinion, had the most significant bearing on the recipients' eligibility status. Only 1 ineligibility finding was disclosed in each of 72 cases, and an average of 2.1 ineligibility findings was disclosed in 61 cases.

We participated in the investigation of 79 of the 141 cases. We reviewed the investigation reports in the remaining 62 cases to determine the adequacy of the investigation conducted and the propriety of the PAD's determination of ineligibility in each case. Our review disclosed no reason to disagree with the action taken by the PAD except in one case. (See p. 31.)

Ineligibility finding	Number of cases			Number of ineligibility findings
	Considered to be ineligible	Having a single ineligibility finding	Having additional ineligibility findings	
Man-in-the-house rule:				
Mother living in continuing relationship with a man who is her husband and/or father of her ADC children.....	31	21	10	44
Mother living in home with man other than her husband or father of her ADC children in relationship similar to that of husband and wife.....	20	9	11	33
Man constituting an undeterminable resource.....	10	7	3	13
	61	37	24	90
Other ineligibility findings:				
Resources undeterminable for other reasons.....	11	9	2	13
Living arrangements not clarified.....	11	4	7	22
Parent employed.....	3	1	2	5
Parent employable.....	29	13	16	49
No eligible child in home.....	4	3	1	5
Refusal to cooperate.....	8	2	6	16
Miscellaneous.....	6	3	3	9
Total.....	133	72	61	209

A listing of the cases in each of the foregoing classifications is presented as appendixes VI and VII of this report. Comments concerning the cases in each of the classifications follow.

Man-in-the-house rule—Mother living in continuing relationship with a man who is her husband and/or the father of her ADC children

As shown in appendix VI the investigation disclosed 31 cases where the ADC mother was associating with her husband and/or the father of her ADC children in a manner which negated the claim that the children were deprived of parental support or care by reason of the continued absence of the parent from the home. No distinction is made as to whether the relationship was carried on inside or outside the home.

In 21 of the cases the "lack of clear disassociation" was the only finding of ineligibility disclosed, but in 10 cases other ineligibility findings existed, any one of which, in our opinion, was a sufficient reason for considering the recipients to be ineligible.

In 8 of the cases the relationship of the mother was with her husband and in 23 cases the relationship was with a man not her husband although he was the father of one or more of her ADC children. In one of the latter cases the recipient appealed the PAD's determination of ineligibility, and the case remains open pending the outcome of the appeal.

In 18 of the 31 cases the man involved was employed; in 12 cases he was not employed but was apparently employable since there was no evidence of incapacity, either in the form of obvious physical disability or in the

form of medical evidence; and in 1 case he was retired and receiving a pension.

Some of the more flagrant cases of abuses of the right to receive assistance under the ADC Program are presented below.

1. A mother of four children, who had been receiving ADC assistance payments for over 4 years was determined to have been living during the entire period, since September 1957, with a man whom she had represented to the PAD as being her brother but who actually was her paramour and the father of two of her children. The mother admitted to the investigator that the man was employed and earning \$85 a week. She was receiving \$154 a month in assistance payments at the time the assistance was discontinued.

2. A 36-year-old mother, who was receiving assistance payments on behalf of herself and 4 of her 6 children had received such assistance during most of the period since April 1953. The father of 3 of the 4 children, although not their mother's husband, was found by the investigators to be in the mother's home at 6:30 a.m. on a Sunday morning, barefoot and naked to the waist, and hiding under a bed. When asked if he was employed he said that he was a "gambler." The mother had been receiving assistance payments continuously since November 1959, and at the time the payments were discontinued they amounted to \$143 a month.

3. A married 27-year-old mother of six children told investigators that the man found in her home was her brother-in-law. The investigation disclosed that he was actually her husband and the father of her children, five of whom were included in the assistance unit, and that he was employed and earning about \$65 a week. The mother had been receiving assistance payments since December 1960, and at the time they were discontinued they amounted to \$191 a month. She subsequently admitted to the investigators that the man was her husband and stated that she wished to withdraw from the ADC program rather than have the investigation continued.

4. A married 35-year-old mother and her four children had been determined to be eligible for assistance on the basis of her claim that her husband had deserted her and that his whereabouts was unknown. The investigators located the husband and obtained his signed statement asserting that his wife had forced him to leave the home by threats and abuse so that she could obtain public assistance, that his wife had always known his whereabouts, that he had given his wife at least \$50 a month since January 1962, that he is presently employed, and that he wants to return to the home and support his family. The mother had received assistance payments since September 1961, the latest payments being \$169 a month.

5. A 41-year-old mother of six children, all of whom are included in the assistance unit, represented to the PAD that she was living rent-free in the attic of her sister's home. She requested the PAD not to probe into the manner in which her sister had obtained her home. She also represented that another woman living in the home, who was a recipient of aid under the Aid to the Permanently and Totally Disabled (APTD) Program, was only a roomer.

The investigation disclosed that the APTD recipient, who was receiving \$83 a month and who had been represented as a widow without relatives, was actually the mother of the ADC mother and was the lessee of the dwelling along with a man who was listed in the lease agreement as her husband. This man, who was found in the home, was determined to be employed full time and earning \$1.25 an hour. The ADC mother, instead of living in this home as she had represented,

was found to be living at another address with her children and her husband who was the father of her children. The father had been continuously employed with one firm since 1954 except for one period of 120 days in the early part of 1961 when he was in jail. He had claimed seven dependents on his tax withholding exemption certificate, which is the same as the number of persons in the assistance unit. The ADC mother had been receiving assistance payments since September 1959, with the latest payments amounting to \$149 a month.

6. A 24-year-old mother of four children, fathered by three different men, none of whom were her husband, successfully withheld from the social workers the knowledge of the birth of her youngest child on March 11, 1961. The father of this child and of one of the other children was found hiding in the bathroom of the ADC mother's home at 6:10 a.m. on a Sunday morning. He admitted spending the night with the ADC mother. He admitted also that he was employed. The ADC mother said that this man had been living with her since the birth of her youngest child. The mother had been receiving assistance payments since February 1959, the latest payments amounting to \$109 a month.

We believe that some of the facts with respect to these and other cases in this category could have been disclosed with only a reasonable amount of effort on the part of the social workers. In some of these cases it appears that the recipients were never eligible for financial assistance and that such a finding would have become apparent if the eligibility standards had been diligently applied at the time the applications were first received.

Mother living in home with man who is not her husband or the father of her ADC children in a relationship similar to that of husband and wife

This ineligibility finding was disclosed in 20 cases listed in appendix VI. In 11 of the cases, additional ineligibility findings existed.

The men involved in 15 of the cases were employed and in the other 5 cases were unemployed but appeared to be employable. In one of the 15 cases where the men involved were employed, the ADC mother was also employed to the extent that this fact alone would cause the recipients to be ineligible. In three cases, the ADC mother was employable under the prescribed standards for determining employability.

The ADC mothers in 3 of the 20 cases voluntarily withdrew from the program.

Cases illustrating this type of investigative finding follow.

1. A man found in the home of an ADC mother of 4 children who had received assistance payments since February 1956—the latest payments amounting to \$153 a month—was represented to the investigators as being merely a visitor. The address given by this man as his residence proved to be false, and later both he and the ADC mother admitted that they had been living together but neither would state how long the relationship had existed. The man was employed. The ADC mother admitted that she was also employed, but she would not furnish information as to her employer, length of employment, or earnings. She signed a voluntary statement requesting withdrawal from the program.

2. A 22-year old mother, who had received assistance payments since September 1961 for herself and 3 children admitted during the investigation that she had been supported by a man by whom she was again pregnant. It was determined that this man was employed. The other signed a voluntary statement requesting withdrawal from the

program. When contacted by a social worker subsequent to the investigation, she stated that she had signed the statement because she felt "the jig was up." At the time the assistance payments were discontinued they amounted to \$148 a month.

3. A 26-year-old mother of six illegitimate children, fathered by three different men, was again pregnant by a man whom she did not identify. Her condition was known to the PAD in November 1961. She had been receiving assistance payments since April 1960, and as of March 1962 these payments were at the rate of \$79 a month. The April 1962 assistance payment was suspended pending further inquiry into the matters disclosed by the investigation including (a) birth of a child in February 1962, (b) relationship with a man who, she admitted, spent nights with her "too often to mention" and who provided her with money in excess of \$100 a month, (c) presence of another man, his wife, and 3 children in an apartment in the dwelling, (d) an unidentified sick child in the home, and (e) squalid, overcrowded, and rat-infested premises.

4. A man found in the home of a 27-year old ADC mother was addressed as "Daddy" by one of the mother's 3 illegitimate children. The children had been represented to the PAD as having been fathered by two different men, neither of whom was the ADC mother's husband or the man found in the home by the investigators. An informant told the investigators that this man was the ADC mother's current paramour and that a former paramour still frequents the home and creates disturbances. Both of these men are reported to have threatened to kill the other. The man found in the home refused to provide any information concerning his employment status or his relationship to the family. During a visit by a social worker subsequent to the investigation, the ADC mother denied that any serious or intimate relationship existed between her and the man found in the home and said that she would rather be "self-supporting" than to continue to receive public assistance. The monthly assistance payment of \$154 was thereupon discontinued. She had been receiving assistance payments since April 1958.

Man constituting a resource the extent of which is undeterminable

Appendix VI lists 10 cases where the recipients were considered ineligible because a man was involved in the family unit but the extent of his contributions to the support of the assistance unit could not be determined. In each case, the man's relationship with the mother was not determined to be similar to that of husband and wife, nor was his relationship with the children determined to be that of a father. While the investigation disclosed that the man in each of these cases provided some assistance to the family unit, neither the mother nor the man would divulge information as to the extent of the contribution. Therefore, the need for assistance could not be established and the recipients were considered to be ineligible for assistance. In 3 of the 10 cases, additional ineligibility findings were found to exist. The involvement of a man in the family unit was disclosed also in 8 other cases which have been classified by other ineligibility findings deemed to be more significant.

The men involved in 12 of the 18 cases were employed, in 4 of the cases the men were unemployed but no evidence was disclosed to indicate that they were not employable, and in 2 of the cases no determinations were made of the men's employment status because of the number of men involved and the undeterminable status of their relationship to the family unit. In one of these latter two cases the recipients appealed PAD's

determination of ineligibility and were reinstated for continued assistance after the appeal hearing.

The following examples illustrate the situations found to exist in the cases included in this category.

1. The ADC mother who had three illegitimate children and expected another child in 2 or 3 months, which fact was unknown to the PAD, had been receiving assistance payments since June 1961, the latest payments being \$154 a month. Information provided by the mother concerning the father of her last-born child and that of the expected child was unverifiable because of her conflicting statements. This ADC mother formerly lived with her mother in a house leased in the name of a man who was not a member of the assistance unit. She moved from that house upon being informed that assistance payments were to be discontinued since her mother could care for her children and she was considered to be employable. Both this man and the ADC mother separately admitted a conjugal relationship over the past 2 years and that the man contributed to the family support. The man is married and living with his wife who stated that she has no respect for him because of his promiscuity and that he is the alleged father of "many" illegitimate children.

2. A 34-year old mother of seven children fathered by three different men had concealed the birth of the seventh child from the PAD for 3 years through fear of being removed from the ADC Program. The father of the seventh child had been living with the ADC mother until the time of the investigators' first visit to the home, although the ADC mother had professed to have terminated the relationship in September 1961 when he got into trouble with the police. The ADC mother stated to the investigators that she realized that she had violated agency regulations. She stated further that the man involved presumably had returned to his wife's home after the investigation of this case had commenced. This ADC mother had been receiving assistance payments since May 1957 for herself and five of her seven children. These payments amounted to \$221 a month at the time they were discontinued. One of these five children, who was 16 years old, was not in regular school attendance having been absent 29 days between January 29 and April 11, 1962.

3. A 28-year old mother of five children told the investigators that she wished to withdraw from the ADC program, upon being found with a man in her bedroom. The investigators did not accept her offer of withdrawal since it was made during distress occasioned by being found in an embarrassing situation. The investigators, during the next few days after the first home visit, observed different men entering the home. The mother, during a subsequent visit by the investigators, repeated her request to withdraw from the program. Her request was accepted, and the investigation was terminated. She had been receiving assistance payments since January 1960, and at the time of their discontinuance the payments were at the rate of \$197 a month.

Cases ineligible for other reasons—Resources undeterminable

Appendix VII to this report lists 11 cases where the recipients were considered to be ineligible because the caretaker-relative either was unable or was unwilling to divulge information relating to income and other resources that apparently were available to the assistance unit. In two of the cases, an additional ineligibility finding was disclosed; namely, the presence of a man in the home whose relationship to the family could not be definitely established but who

constituted an available resource. Final determination of eligibility has been withheld in two cases pending the outcome of appeal hearings.

In each of 39 additional cases, the resources available to the assistance unit also could not be determined. These cases have been classified by other ineligibility findings considered to be more significant reasons for considering the recipients to be ineligible for assistance. Thus, the finding of undeterminable resources was disclosed in 50 cases.

Details of illustrative cases in which this finding was disclosed follow:

1. A 44-year-old ADC mother of four children, two of whom were fathered by men other than her husband, had been receiving monthly assistance payments since January 1956, the latest payments being \$205 a month. The mother had represented to the PAD and to the investigators that she had no other resources. However the investigation disclosed that she had earnings of about \$20 a week from caring for children and had received about \$10 a week from a "boy friend" during the period from September 1959 to July 1960 for the purchase of a television set which cost \$419.90. When apprised of these findings, she acknowledged that they were correct. The investigation also disclosed some evidence of other earnings from laundry work, caring for a woman convalescing from a hospitalization, and caring for other children.

2. A 25-year-old ADC mother had been receiving assistance payments since December 1959 for herself and two of her three children to augment payments of \$65 a month which she was supposed to receive from her absent husband. The latest of these payments amounted to \$76 a month. Notwithstanding the lack of regular support from her husband, as evidenced by a court order of commitment for back payments, totaling \$465, in September 1961 and by court records showing payments to her of only \$450 during the period from March 1961 through April 1962, she was living in a two-bedroom, well-furnished apartment. The furnishings included a three-speed record player, a cabinet model television set, two telephones, a typewriter, and a radio. Evidence was obtained that she had received contributions from various members of her family which had not been reported to the PAD.

3. A 32-year-old ADC mother of six children, five of whom were included in the assistance unit, telephoned the PAD to state that the investigators had been to her home and that she wished to withdraw from the ADC program. She had previously represented to the PAD that her husband was the father of four of her six children and that the other two children had been fathered by two other men.

The investigation disclosed that she was again pregnant. She told the investigators that a fourth man was the father of the expected child. The investigation also disclosed that she received irregular contributions for the support of the children from two of the three fathers. When pressed for information concerning the amounts of the contributions and the identity of the fourth man, she announced her intention to withdraw from the ADC program. Therefore no further inquiry was made to develop information as to the resources apparently available to her, or as to her employment, evidence of which was also present.

This ADC mother had been receiving assistance payments since December 1960, the latest payments being \$109 a month.

Living arrangements not clarified

Appendix VII to this report lists 11 cases where the recipients were considered to be

ineligible for financial assistance because the existing living arrangements could not be clarified. In 7 of the cases other ineligibility findings also were disclosed. In 13 other cases the living arrangements could not be clarified but the cases have been classified by other ineligibility findings which constituted more significant reasons for considering the recipients to be ineligible for assistance.

The cases included in this category are those where the basic or most significant findings disclosed was the presence in the home of persons whose relationship with the recipients could not be clearly established because of the caretaker-relative's conflicting or misleading statements to the investigators. The term "relationship" as here used includes relationships involving economic as well as personal and legal aspects. In one of the 11 cases the recipient was reinstated for continued assistance after appeal.

Details of cases illustrating situations constituting this type of ineligibility finding follow:

1. An ADC mother who had been receiving assistance payments for herself and one child since December 1960, was occupying the first floor of a dwelling in which the landlord was also living, without any definite separation of the living quarters and with the personal effects of the ADC mother intermingled with those of the landlord. Although the landlord claimed that his common-law wife lived with him, he would not furnish any corroborating information in support of that claim. He stated that he did not know where she worked or when she could be interviewed in the home. The rental receipts exhibited by the ADC mother appeared to be false since the pertinent information shown thereon differed from statements by the ADC mother and from statements by the landlord. The authenticity of the rental receipts could not be verified since the signatures thereon were purported to be those of the landlord's legal wife who has been absent from the home since December 1960. The lease agreement between the landlord and the rental agency, dated December 8, 1961, shows that the landlord claimed the occupants of the dwelling to be himself, his wife, and two children, although he has no children of his own living in the home. The assistance payments to this ADC mother amounted to \$118 a month at the time they were discontinued.

2. An ADC mother who had been receiving \$145 a month on behalf of herself and four children had been receiving assistance since July 1953. Living with her in the home were her four adult children with their children, a living arrangement apparently unknown to the PAD. The adult children appeared to be employable and, to some extent, were employed. Efforts to clarify the living arrangements and to determine the extent to which her adult children were contributing to the support of the household were nullified by the conflicting statements of the ADC mother; her refusal to answer some questions; her differing answers to other questions; and, in some instances, her misrepresentation of facts. Also, it appeared that the mother may be employable since all her minor children were in regular attendance at school.

ADC parent employed

Appendix VII lists three cases in which the ADC mother was determined to be employed full time and to have an adequate child care plan.

Illustrative of these cases is one where the mother of three illegitimate children, whose application for financial assistance was approved in August 1961, had been receiving assistance payments of \$119 a month.

At the time she applied for assistance, she was considered to be unemployable because she supposedly lacked an adequate child care plan. Although she had indicated on her application that she had been employed, the extent of her employment apparently had not been determined by the social worker. The investigation disclosed that she had been working full time as a domestic for the same employer continuously since 1959, except for one month in August 1961, when her youngest child was born. Since her mother, her 18-year-old brother, and her 14-year-old sister lived with her and she had been employed, it was apparent that she was not in lack of an adequate child care plan.

ADC parent employable

Appendix VII lists 29 cases where the ADC mother or, in some cases, the ADC father, who was supposedly incapacitated, was considered to be employable under the criteria set forth in the PAD Manual. In one of these cases the recipient appealed the ineligibility determination and was reinstated after a hearing on the appeal.

The following cases illustrate the findings leading to the conclusion in these cases.

1. A 45-year-old mother had been receiving assistance payments since August 1961 for the benefit of herself and three children. The investigation disclosed that there was no evidence that the mother was incapacitated and therefore unemployable. Also, she apparently had an adequate child care plan since an unmarried daughter who lived with her was unemployed, was not a member of the assistance unit, and who made no contribution to the maintenance of the household, was available to provide child care. At the time her assistance payments were discontinued she was receiving \$172 a month.

2. A 37-year-old mother of three children had been receiving assistance payments of \$105 a month, although she appeared to be employable under the PAD standards, and had been earning \$12.50 a week in part-time employment. She stated to the investigators that she was doing all right on welfare relief and would not return to full-time employment unless she could make "big money." She also had been receiving undeterminable amounts from a "boy friend" with whom she admitted to have been carrying on a conjugal relationship. The "boy friend" admitted to helping the family by providing food and personal services and a new Hi-Fi record player. The investigation further disclosed that on applications for credit he has shown the ADC mother to be his wife. Hospital records show that at various times the ADC mother has stated her address to be that of the "boy friend." She had been receiving assistance payments since March 1954.

3. An ADC mother of eight children, four of whom were fathered by two men other than her husband, had been receiving assistance payments since July 1960, although she apparently is employable since she has been employed part time and, for short periods, full time. She informed the investigators that it would be foolish for her to work because she would lose the welfare payment and that it would be too hard for her to work outside the home and also do the work in the home. Her latest assistance payments amounted to \$255 a month.

This ADC mother, before being approved by the PAD as eligible for ADC assistance, had been receiving assistance from the Volunteers of America. This assistance was discontinued when it became known that she was living with a man other than her husband. The investigation disclosed that she has been employed for varying periods as a telephone operator, PBX operator, waitress, and collector. In the latter employment she

earned about \$40 a week during December 1961. Her employer stated that if she obtained a driver's license she could be employed full time and become self-supporting. The mother admitted that she had two firm job offers during 1962 which she declined for the reasons stated above.

4. A 26-year-old ADC mother of five children had been receiving assistance payments since March 1960 for herself and three of her children; her other two children are under custody of the Child Welfare Division because of her claim that she is too "weak" to care for five children. She appeared to be physically able to work and admitted that she is. Also, it appeared that the lack of a child care plan should not prevent her from working inasmuch as it had not precluded her from being away from her home for entire nights at which times she either had had her children cared for by a neighbor or had left them unattended. She apparently has undisclosed resources as evidenced by the fact that she lives beyond the means afforded through her assistance payments. She acknowledged that she had relations with a man but contended that such relations were indulged in outside the home with a certain man whom she identified. The investigators, after three home visits and four other visits when they either were not admitted or could not interview the ADC mother because she was absent, and after a surveillance of the home at seven different times to detect arrivals and departures of persons, on being admitted early on a Sunday morning found a man in the ADC mother's bed. The ADC mother represented the man to be her brother but eventually admitted that he was the man she had previously acknowledged as having had relations with. The man was determined to be an employee of the Department of Public Welfare. At the time the assistance payments were discontinued they amounted to \$132 a month.

5. A 25-year-old mother of four children, two of whom were fathered by two men other than her husband, had been receiving assistance payments since October 1956, the latest being \$181 a month. Upon the investigator's first visit to the home, the mother admitted that she was employable, stated that she did not want investigators coming to her home, and voluntarily signed a statement requesting withdrawal from the ADC assistance program. After she signed the withdrawal statement she said:

"Now I can have all the men I want in my home and you men can't do a thing about it."

No eligible child in the home

In appendix VII, four cases are listed where no eligible child was found in the home. Also, in one of the cases it was impossible to clarify the living arrangements.

The following cases illustrate the situations in which this finding was disclosed.

1. An ADC mother with one minor child had been receiving assistance pay since December 1948, the latest payments being \$88 a month. However, it was determined that the child was over 16 years of age and was no longer eligible for assistance since she had been officially removed from the rolls of the school she was supposedly attending.

Also living in the ADC mother's home was another daughter and her five children and a man who was the father of the youngest of these children. This daughter had also been receiving ADC assistance payments on behalf of herself and the five children. Although the case was not one of the cases included in the investigation sample, the recipients also were determined by the PAD to be ineligible for assistance on the basis of information disclosed during the investigation.

2. An ADC mother of one child had been receiving assistance payments since Septem-

ber 1953; the latest payments being \$118 a month. Since August 1961, the child has been living and attending school in New York.

Refusal to cooperate

Listed in appendix VII are eight cases where the recipients were considered to be ineligible because the ADC mothers refused to cooperate with the investigators in their efforts to determine the facts with respect to the recipients' deprivation of parental support or care or with respect to the need for financial assistance. In six of the eight cases, additional ineligibility findings were present. In five additional cases, a refusal to cooperate was present but the recipients were considered to be ineligible for other reasons deemed to be more significant. Thus, the findings of refusal to cooperate existed in 13 cases.

Illustrative cases are:

1. An ADC mother of three children had been receiving assistance payments since November 1959. During the investigation of her case she submitted a statement in which she indicated her wish to withdraw from the Public Assistance Program because she did not want investigators coming to her home nor want to answer any questions about her business or household arrangements.

Prior to the time she submitted that statement, the investigators had disclosed certain facts which apparently were unknown to the PAD. These facts are:

- a. The mother of the ADC mother was living in the home.
- b. The ADC mother was paying \$100 a month rent as opposed to \$65 which she formerly had been paying at another address, but was receiving \$50 a month from a tenant.
- c. Numerous articles of men's clothing were found in a hall closet opposite the ADC mother's bedroom.
- d. The ADC mother was working 4 days a week as opposed to the 2 days a week she had represented to PAD.
- e. Her "absent" husband lives directly across the street from her home.

The ADC mother failed to give satisfactory explanations concerning the articles of men's clothing found in her home, or the manner of acquiring two TV sets and two refrigerators also found in the home.

The PAD has determined that overpayments of \$1,400 have been made and has referred the case to the Office of Investigations and Collections for recovery of the overpayments. At the time the assistance payments were discontinued, they amounted to \$108 a month.

2. An ADC mother who had been receiving assistance payments since December 1958 on behalf of herself and two children admitted to investigators that she had been carrying on an affair with a man whom she has known for about 20 years and hopes to marry. Despite the frequency of her relationships with this man, which she states occurs about every week end, she claimed she was unable to provide any information concerning him which would enable investigators to determine the extent of resources available through him. The assistance payments amounted to \$142 a month at the time they were discontinued.

Miscellaneous

Listed in appendix VII are six cases which were considered to be ineligible because of findings other than those discussed hereinbefore.

These findings are:

1. A separation of convenience to enable the ADC mother to obtain assistance, rather than a real dissociation of the husband from the family and deprivation of the children of parental support.

2. The presence of coin-operated machines in the home as a source of income, the amount of which could not be ascertained.

3. An employable husband willing to return to the home but not permitted to do so by the ADC mother.

4. The unemployability of ADC mother's husband not established.

5. The failure of a returned husband of an ADC mother to register with the United States Employment Service.

Cases closed on the basis of findings disclosed subsequent to the investigation

Attached as appendix VIII is a list of eight cases in which the PAD determined that the recipients were ineligible, although the investigation of these cases did not disclose any information indicating ineligibility. However, the records pertaining to seven of these cases show that PAD's determination of ineligibility was based on events occurring subsequent to the investigation and that the determinations were proper under the circumstances involved in each case. The remaining case on this list was determined by PAD to be ineligible on the basis of findings disclosed by the investigation which in our opinion did not conclusively demonstrate ineligibility. However, we are not in a position to say the action was improper since a judgment factor was involved.

POLICE RECORDS OF ADULTS INVOLVED IN CASES INVESTIGATIONS

Incident to the investigation of the eligibility of recipients of financial assistance under the ADC program, we requested the Metropolitan Police Department, District of Columbia Government, to conduct a name file search of the police records to ascertain the police record, if any, of the adult persons involved in 130 of the cases determined by the PAD to be ineligible. The information on four cases was not requested through inadvertence.

Following is a summary of the results of this record search, classifying the males involved into two categories: one, those men whose names appeared on case records as the husbands of the ADC mothers and the other, those men otherwise identified with the cases:

ADC mothers:	
Has an arrest record.....	31
Has no arrest record.....	99
No record check made through inadvertence.....	4
Total.....	134
Males:	
Husbands of ADC mothers:	
Has an arrest record.....	42
Has no arrest record.....	11
Subtotal.....	53
Other than husbands of ADC mothers:	
Has an arrest record.....	40
Has no arrest record.....	18
Information insufficient to obtain record.....	7
Subtotal.....	65
Total.....	118

The records furnished by the Metropolitan Police Department show that, of the 31 mothers who have police records, 21 had been arrested once, 8 had been arrested twice, 1 had been arrested 3 times, and 1 had been arrested 6 times. The charges included having an unleashed dog, drunkenness, disorderliness, stealing Government checks, and assault with a deadly weapon.

The records showed that 42 of the ADC mothers' husbands had been arrested a total of 358 times. Of the 42 men, 14 had a single arrest, 1 had 2 arrests, 3 had 3 arrests, 2 had 4 arrests, and 22 had 5 or more arrests with 3 of this group each having from 31 to 41 arrests. The records for the 40 other males involved in the cases showed a total of 247 arrests. Of these 40 men, 7 had a single arrest, 4 had 2 arrests, 2 had 3 arrests, 4 had 4 arrests, and 23 had 5 or more arrests with 1 of this group having 29 arrests.

The charges in the cases of both groups of men included drunkenness, disorderliness, housebreaking, robbery, grand larceny, assault with a deadly weapon, manslaughter, and homicide.

PLACEMENT OF CHILDREN IN JUNIOR VILLAGE RESULTING FROM CASES CLOSED SUBSEQUENT TO INVESTIGATION

At our request the DPW made a check of the Child Welfare Division (CWD) files to determine the number of children that had been placed in Junior Village because of the discontinuance of financial assistance as a result of the ineligibility determinations.

The Director, DPW, informed us by letter dated June 13, 1962, that, while the CWD had given attention to the children in 28 of the cases investigated, in only 4 of the cases had any children been placed in Junior Village as a result of the investigation. He stated that, in the other 24 cases, some children had been committed to the DPW as delinquents and had been placed by the CWD in Junior Village, private institutions, or foster homes but that such actions were not attributable to the investigation. The data submitted by the Director's letter showed that as of June 1, 1962, 16 children were involved in the four cases, that in two of the cases involving 5 children a question exists as to whether the family is actually destitute, and that further investigation by the Office of Investigations and Collections is warranted. Data pertaining to the four cases, as reported to us by the Director, is itemized below.

Case 1—From CWD records

Case opened on May 16, 1962, as the family was destitute. Woman's Bureau placed two of the children in Junior Village on May 15, 1962, and CWD placed the other child in Junior Village on May 16, 1962. All three children remain there.

Case 2—From CWD records

Case opened on May 10, 1962, by request of the mother who was referred by the Woman's Bureau because the mother was homeless. Two children were placed in Junior Village on May 10, 1962, and remain there.

Case 3—From PAD records

Three children were placed in Junior Village on May 1, 1962, as homeless. Referral was made by the Woman's Bureau. All these children remain there.

Case 4—From CWD records

Case opened on March 15, 1962, by request of the mother who was referred by the PAD. Six children were placed in Junior Village on March 16, 1962. Two children were placed in Junior Village on March 19, 1962. All eight children remain there.

In case 1 above the recipients were considered ineligible because the ADC mother was found to have been employed for the past 3 years. She was initially determined as qualified for assistance for the reason that she lacked a child care plan, notwithstanding the fact that she had worked for the same employer since 1959. Apparently this employment record was concealed from the social worker, as was the whereabouts of the father of her two youngest children.

In case 2 above the ADC mother was considered to be ineligible because she was continuing a relationship with the father of her children. It was determined that he was unemployed. Although she had received a surplus food certificate, she had not picked up any surplus food since December 1961.

In case 3 above the ADC mother was determined to be living with a man in relationship similar to that of husband and wife. The man was unemployed and evidence was that he did not contribute to the household upkeep. The mother was 3 months in arrears in her rent and said she had no intention of paying it, although she first displayed what proved to be spurious rent receipts. The children were placed in Junior Village after the mother had been arrested for fighting in the street. They had been found unattended in the home on two different occasions by investigators.

In case 4 above the recipients were considered ineligible because the absence of the father of five of the children was one of convenience and not a clear dissociation from the family. This man is being sought by the police as a suspect in a holdup, having been identified by the victim. This fact may account for his absence since he was determined to have been in the home a few days before the initial visit by investigators.

EVIDENCE OF BAD FAITH ON PART OF ADC MOTHERS

The investigation definitely disclosed that reliance cannot be placed on the ADC mothers to reveal the actual conditions or circumstances which have a bearing on the recipients' eligibility for financial assistance. A specific review was made of 85 of the cases closed by the PAD subsequent to the investigation to determine the number of instances in those cases where the mothers had misrepresented facts or attempted to conceal existing conditions or situations. The review disclosed (1) 11 cases where a man was found hiding in the ADC mother's house—in the bedroom, sometimes under the bed; in a closet; or in the bathroom—or attempting to flee by the back door to evade questioning by investigators and (2) 8 cases of gross misrepresentation of information vital to determining the recipients' eligibility. Illustrative of the type of misrepresentation in these cases are: four cases where the ADC mother falsely identified the man found in the house as a relative or gave information concerning the man which further investigation proved to be false, and four cases where the ADC mother supplied rent receipts or other documents which proved to contain false information. In several of the latter cases there appeared to be collusion on the part of others to assist the ADC mother in her attempts to misrepresent her actual living conditions or circumstances.

We believe that the foregoing instances evidence that ADC mothers are obtaining and attempting to continue to obtain financial assistance for recipients when they are aware that disclosure of actual living conditions or circumstances to the PAD would reveal that they are not entitled to receive further financial assistance.

USE BY PAD OF CODE REASONS FOR CLOSING CASES

We have reviewed the "Code reasons for closing cases" which have been assigned by the PAD to the 127 cases closed as of June 25, 1962, on the basis of ineligibility findings disclosed by the investigation. In our opinion the stated code reasons do not always reflect the actual reasons for terminating assistance and distort any statistical data which is based thereon.

Section 624.500 of the PAD Manual provides that the "classification of reasons for closing cases should reflect events that lead to ineligibility with respect to need and the resulting discontinuance of assistance" and states that the codes used are "in conformity with the classification" issued by the Social

Security Administration. These reasons classify cases into major groups as follows:

1. Those closed because of death.
2. Those no longer eligible with respect to need.
3. Those no longer meeting eligibility requirements other than need.
4. Those transferred to other assistance programs.
5. Those closed for other reasons.

Code number 00 is to be assigned to cases closed because of death, 01 to 54 to cases no longer eligible with respect to need, 71 to 79 to cases no longer meeting eligibility requirements other than need, and 90 to 94 to cases transferred to other welfare programs. Code numbers 54, 79, and 94 are assigned to the general classification of "other" within the second, third, and fourth major groups. Where more than one reason exists for closing a case, the primary code reason is to be assigned.

Our review disclosed that, in 75 of the 127 cases closed, the assigned code reasons for closing the cases were not compatible with what we considered to be the primary reasons for ineligibility. For example, code 79 is required to be used when a case is closed because an eligibility requirement other than need, which is not specifically listed in codes 71-8, is no longer met. The PAD classified 62 of the 127 cases under code 79, whereas, in our opinion, only 23 should have been so classified. A more meaningful classification in the remaining 39 cases would have been as follows:

Code:	Number of cases
04—ADC mother employed.....	1
11—Return of absent employed father..	10
74—Return of absent employable father	7
73—Parent no longer incapacitated..	9
72—Refusal to comply with eligibility requirements	3
94—Unable to determine resources— extent of need undeterminable..	9
Total	39

On the other hand, five cases classified under other codes, in our opinion, should have been classified under code 79.

Another example of this situation relates to nine cases which PAD classified under code 90 (voluntary withdrawal when reason for such withdrawal is not known) whereas a more meaningful classification would have placed them in code classifications as follows:

Code:	Number of cases
11—Return of absent employed father..	1
74—Return of absent employable father	1
73—Parent no longer incapacitated..	1
72—Refusal to comply with eligibility requirements	1
79—No continued absence established..	2
94—Other—unable to determine re- sources—extent of need unde- terminable	3

It is significant to note that no code reason is prescribed for those cases closed because a recipient was improperly receiving aid. The code reasons provided imply that the changed circumstances in the recipients' situations arose at a time coincident with the closing of the case. We believe that a code reason should be provided for use in those cases that are closed because the recipient had been improperly receiving assistance. In this way, the cases closed because of improper receipt of assistance could be distinguished from those closed because

of changes in recipients' conditions or circumstances.

(At this point, Mr. BREWSTER took the chair as Presiding Officer.)

ANIMAL DRUG AND FEED BILL

Mr. MORSE. Mr. President, I have requested that hearings be held on the proposed animal drug amendments embodied in H.R. 16474. I have requested hearings because these amendments raise fundamental issues of Federal-State relations in a critical area involving questions of sound agricultural economics and efficient administration of health laws in the public interest.

It is clear from the representations made to me that the highly organized drug industry wants this bill rushed through the Senate in the closing hours of this session even though they claim that the proposed amendments constitute nothing more than a codification of existing law and give the Food and Drug Administration no authority that it does not already have.

It is abundantly clear that the public interest does not require that this bill be adopted without a hearing.

All I am asking for is a hearing. May I say that the majority of the members of the committee support my position that there should be hearings.

There is no consideration of public health that requires adoption of this bill. There is no emergency of any sort requiring action at this time. The proponents of the bill agree—they, in fact, contend—that it gives the Food and Drug Administration no power that it does not already have.

Although it is clear that the organized drug industry wants the bill passed, it is not clear that State officials who share responsibility in this area with the Food and Drug Administration want the bill. Indeed, although they have learned of its provisions only very recently, there is every indication that responsible State officials have grave doubts about the wisdom of the legislation and some have expressed the desire to testify against it—including, may I say, the Secretary of Agriculture of the State of Minnesota. I mean the State secretary, not the Federal Secretary.

Furthermore, it is not clear to me that the small feed manufacturers of the Nation support the bill, and there is some indication that the large feed manufacturers are opposed to sections of the bill pertaining to exports. Representatives of the small feed manufacturers have indicated that they will testify against the bill in its present form.

From my brief study of the bill—and my mind is open and will be determined by the evidence at the hearings—I must question whether it represents the best possible or even a constructive accommodation of State and Federal power in

this very important area of agricultural economics and public health.

I have several objectives in mind in requesting hearings. First, the Senate owes it to those who are affected by the bill—the feed manufacturers, the State officials, and the farmer—support their requests for an opportunity to be heard.

Second, I want to make sure that the public interest—the interests of those other than the major producers in the regulated industry and the Federal regulators—is fully protected.

Finally, I want to determine whether it is actually necessary for the Federal Government to police minutely the operations of small feed manufacturers and to preempt control of both interstate and intrastate commerce in a field which has traditionally been regulated by the States and where a major portion of the commerce is exclusively intrastate.

In my judgment, there is a possibility that investigation will show that the State feed control officials are in a better position to supervise the performance of feed mills operating within their borders than is the Food and Drug Administration. I am informed that the Public Administration Services report prepared by the Public Administrations Services at the request of the Food and Drug Administration has recommended that the Food and Drug Administration not undertake to preempt this area of public health control but should instead work out a basis of constructive cooperation with the existing State regulatory agencies.

This bill would render State control pointless by requiring the feed mills to obtain from the Food and Drug Administration approval of every feed formulation containing a new animal drug apparently on the assumption that the feed mill is incompetent to follow the instructions for use of the drug which are stipulated by the Food and Drug Administration. I do not want to support this present bill, which closes the door on the adoption of the Public Administrations Services' report recommendation, until I am convinced that all-pervasive Federal control is the only answer to this problem.

Mr. President, the more I learn about this proposed legislation, the more I question the necessity for it, and question its effect on competition in the drug and feed business as well as the effect it will have on the existing pattern of State and Federal control in this area of public health. In fact, I am very much concerned as to whether, behind the scenes, there is not an attempt on the part of big feed companies to seek further monopolistic control of the processing of animal feed by insisting upon the procedures that would flow from this bill, to enhance their competitive advantages and force out of business more and more of the small feed mills.

It has been said that everything which this legislation purports to do to facilitate the approval of new animal drugs,

and to accord such drugs separate recognition distinctive from human drugs, has already been accomplished by administrative changes within the Food and Drug Administration. If the proponents of this legislation have, by advocating these changes by congressional action, actually brought them about by administrative action, then they deserve to be commended; but why should Congress confirm by statute what has been done administratively?

Indeed, Mr. President, it appears that the only new feature of this bill is that it would attempt to replace State supervision of feed mills with Federal control and duplicate the work of State administrative agencies, many of which were in existence long before the Food and Drug Administration existed. These State agencies, let me say, are probably the only effective inspection agencies operating in this field of public health.

The matter of the necessity for supplemental new drug applications covering feed formulations should be left within the discretion of the Food and Drug Administration. In my judgment, this is a discretionary power that should be exercised with great restraint.

It is my fear that this bill in its present form plays into the hands of the big companies, and works to the disadvantages of the small mill operators. All of this will produce no net gain in public health standards, because the feed control offices of the 50 States, with some help from Federal Government agencies, are entirely competent to regulate the manufacture of feed, now, as they have in the past.

These are some of the considerations which, in addition to a basic concern for orderly procedure, have led me to insist that hearings be held on these so-called new animal drug amendments early in the next session of Congress. I have filed with the Committee on Labor and Public Welfare, of which I am a member, and which has jurisdiction over the subject matter in the Senate, a list of witnesses who have already manifested a desire to testify against the bill next year.

It could be that the testimony will clear up these points to my satisfaction, and if so, I shall support the bill. But the place for these issues to be clarified is in a public hearing.

TITLE I—ELEMENTARY AND SECONDARY EDUCATION ACT PROJECTS, FISCAL YEAR 1966

Mr. MORSE. Mr. President, the Office of Education, at the request of my subcommittee, has prepared a series of tables showing the number of participating schools by State in projects financed under title I of the Elementary and Secondary Education Act in fiscal year 1966.

The tables also set forth the number of children participating in one or more

projects. It is my hope that a committee print of the Committee on Labor and Public Welfare will be issued in December which will contain information regarding the number of participating

schools in each of the eligible school districts, in each of the States, in a format similar to the second table where this is set forth for the State of Oregon.

Mr. President, I ask unanimous consent that the tables to which I have al-

luded be printed at this point in my remarks.

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

TABLE I.—Number of participating schools and children under title I, Public Law 89-10, the Elementary and Secondary Education Act of 1965, fiscal year 1966

State	Number of participating—		State	Number of participating—	
	Schools ¹	Children ²		Schools ¹	Children ²
United States and outlying areas.....	58,155	13,851,317	50 States and the District of Columbia—Con.		
50 States and the District of Columbia.....	56,013	13,222,905	Nevada.....	93	10,901
Alabama.....	1,411	320,049	New Hampshire.....	294	14,869
Alaska.....	140	28,971	New Jersey.....	1,550	139,802
Arizona.....	411	115,443	New Mexico.....	500	90,248
Arkansas.....	1,037	153,213	New York.....	3,903	1,173,840
California.....	3,315	1,293,790	North Carolina.....	1,243	394,879
Colorado.....	594	46,371	North Dakota.....	461	40,030
Connecticut.....	371	67,078	Ohio.....	2,416	565,066
Delaware.....	95	8,250	Oklahoma.....	1,761	172,768
District of Columbia.....	77	25,329	Oregon.....	1,738	97,479
Florida.....	1,138	384,232	Pennsylvania.....	3,132	1,067,348
Georgia.....	1,081	385,542	Rhode Island.....	132	13,566
Hawaii.....	195	76,492	South Carolina.....	588	505,312
Idaho.....	456	74,902	South Dakota.....	775	47,287
Illinois.....	2,573	692,402	Tennessee.....	1,533	429,971
Indiana.....	1,695	117,540	Texas.....	2,865	414,431
Iowa.....	1,536	165,101	Utah.....	287	63,588
Kansas.....	1,380	188,875	Vermont.....	369	16,058
Kentucky.....	1,480	243,539	Virginia.....	964	159,038
Louisiana.....	665	269,108	Washington.....	1,137	335,606
Maine.....	693	52,080	West Virginia.....	1,355	189,827
Maryland.....	227	85,475	Wisconsin.....	1,403	143,161
Massachusetts.....	664	90,398	Wyoming.....	123	11,518
Michigan.....	2,403	1,031,850	Outlying areas.....	2,142	628,412
Minnesota.....	1,527	278,684	Trust Territory.....	64	16,378
Mississippi.....	481	480,151	Guam.....	25	38,203
Missouri.....	1,408	405,429	Puerto Rico.....	2,027	561,407
Montana.....	690	32,096	Virgin Islands.....	26	12,424
Nebraska.....	648	53,922			

¹ Number of participating schools: In most cases this represents an unduplicated count of schools in the school districts with children in title I projects.

² Number of participants: This represents a duplicated count of participants since participation counts were obtained on a project basis.

TABLE II

TABLE II—Continued

TABLE II—Continued

State and local education agency	Number of participating schools	Number of participating children	State and local education agency	Number of participating schools	Number of participating children	State and local education agency	Number of participating schools	Number of participating children
OREGON			OREGON—continued			OREGON—continued		
Baker Co Sch Dist 30-J.....	4	58	Coos Co SD 8.....	7	214	Butte Falls SD 91.....	2	39
Huntington SD 16 Baker.....	1	84	Coos Co SD 9.....	7	1,398	Jefferson Co Dist Pub S 4.....	2	58
Pine Eagle SD 61 Halfway.....	2	106	Coos Co SD 13.....	6	625	Jefferson Co SD 509J.....	5	305
Baker Co SD 5J.....	2	122	Powers SD 31.....	2	172	Josephine Co SD.....	11	323
Benton Co SD 7J.....	2	26	Bandon SD 54.....	3	250	SD 7 Grants Pass.....	6	286
Bell Fountain SD 23 Monroe.....	1	26	Crook Co SD.....	7	400	Union HS Dist 2 Klamath.....	3	125
Fir Grove SD 74 Benton.....	1	5	Gold Beach Union HS.....	1	24	Klamath Co SD.....	6	1,928
Corvallis SD 509J.....	15	1,610	SD 3C Gold Beach.....	2	123	Nestucca Un SD U3 Cloverd.....	1	40
Benton Co SD 17J.....	5	132	Ophir SD 12.....	1	35	Lakeview SD 7.....	3	182
Lake Oswego SD 7.....	1	185	Brookings Barber SD 17C.....	2	241	Paisley SD 11.....	1	30
Clackamas Co SD 1.....	3	293	Redmond Dist 2.....	4	240	Pleasant SD 1.....	3	150
Canby Union HS D 1.....	1	20	Deschutes Co SD 3.....	1	31	Fern Ridge SD 28J.....	6	135
Sandy Union HS D 2.....	1	216	Deschutes Co SD 5.....	1	22	Sandridge 30C Shadd.....	1	4
West Linn SD 3.....	2	121	Deschutes Co SD 6.....	3	46	Mapleton SD 32.....	2	29
Molalla Union HS D.....	1	12	Deschutes Co SD 24.....	1	13	Creswell Pub Adm Dist 40.....	3	276
Milwaukie Un HS D 5.....	2	165	Deschutes Co SD UHIJ.....	1	116	Harris SD 46 Linn.....	1	5
Welches Elem SD 13 Wemme.....	1	47	Admin SD 1 Deschutes Co.....	3	212	Lane Co SD 69.....	6	383
Damascus Un Elem SD 26.....	1	19	Douglas Co SD 4.....	3	1,780	Lowell SD 71.....	3	481
Concord SD 28 Milwaukie.....	2	45	Glide Co SD 12.....	4	152	Lane Co SD 76.....	4	195
Carus SD 29 Oregon City.....	1	10	Days Creek SD 15.....	3	56	Shuslaw SD 97J Lane.....	5	174
Molalla Grade SD 35.....	1	41	Douglas Co SD 19.....	5	300	Lane SD 4.....	9	2,474
Boring Grade SD 44.....	1	21	Camas Valley SD 21.....	3	51	Lane Co SD 19.....	7	407
Bull Run Dist 45 Sandy.....	1	13	Drain Pub SD 22.....	2	220	So Lane SD 45J3.....	9	1,002
Clackamas Co SD 46.....	1	48	Douglas Co SD 32.....	1	52	Lane Co SD 52.....	4	270
Colton SD 53.....	1	14	Elkton Admin SD 34.....	2	52	Lincoln Co SD.....	9	2,566
Clackamas Co SD 62.....	9	946	Umpqua SD 45.....	1	46	Lincoln Co Un H SD UHI.....	1	96
Clackamas Co SD 64.....	3	94	Glendale Pub SD 77.....	2	221	Albany Un HS D U8J.....	3	775
Burton Creek SD 67 Mt Angel.....	1	21	Southern SD 130C.....	1	109	Sodaville El SD 13 Linn.....	1	24
Mulino SD 84.....	1	25	Goble Graded SD 20.....	1	26	Grand Prairie SD 14 Linn.....	1	157
Canby Elem SD 80C.....	1	159	Verona SD 47J.....	4	112	Oak Creek SD 15 Albany.....	1	9
Rural Dell SD 92 Molalla.....	1	5	Columbia Co Adm SD 802.....	1	274	Knox Butte SD 19 Albany.....	1	21
Cottrell Grade SD 107 Boring.....	1	26	Riddle Pub Schs Dist 70.....	2	184	Dever SD 20 Albany.....	1	18
Estacada Elem SD 108.....	2	140	Winston SD 116.....	5	402	Riverside Elem SD 24 Linn.....	1	29
Redland Elem SD Oregon City.....	1	31	Admin SD 116.....	3	44	McFarland Elem SD 25 Linn.....	1	20
Three Lynx SD 123 Estacada.....	1	10	Admin SD 3 Arlington.....	2	161	Tangent Elem SD 26C.....	1	38
Ninety-One SD 91 Hubbard.....	1	22	John Day Grade SD 3.....	2	195	Mari Linn Elem SD 29J.....	1	53
Union HS D 1 Seaside.....	1	42	Grant Co SD 4.....	2	30	Hamilton Crk Elem SD 33 Linn.....	1	92
School Dist 1C Astoria.....	4	120	Dayville SD 16J.....	2	25	Harrisburg Elem SD 42CJ.....	1	72
Lewis & Clark 5 Astoria.....	1	135	Burns Elem SD 1.....	1	150	Sweet Home SD 55.....	8	225
Seaside Cons SD 10.....	2	67	SD 17 Diamond.....	1	15	Fairview SD 66 Linn.....	1	57
Olney SD 11C Astoria.....	1	21	SD 30 Hines.....	1	272	Lacombe Elem SD.....	1	43
SD 15C Clatsop Co.....	1	60	Hood River Co SD 1R.....	8	476	Crowfoot SD 89C Linn.....	6	79
Warrenton SD 30.....	3	89	Phoenix SD 4.....	2	144	Selo SD 95C.....	2	185
Oakland Public Schs.....	2	134	Central Point SD 6.....	1	140	Linn Co SD 102.....	1	25
Coos Co SD 41.....	4	911	Eagle Point SD 9.....	1	25	Linn Co SD 110C.....	3	19

TABLE II—Continued

State and local education agency	Number of participating schools	Number of participating children
OREGON—continued		
Linn Co SD 124.....	1	16
Clover Ridge SD 136 Linn.....	1	18
Central Linn SCH Dist 552C.....	4	155
Lebanon Elem SD 16C.....	1	203
Linn Admin SD 129J.....	3	143
Malheur Co SD 1.....	1	9
Vale Union HS D U3.....	1	240
Ontario SD 8C.....	9	320
SD 15 Malheur Co.....	1	220
Malheur Co SD 26.....	3	432
Annex SD 29 Malheur.....	2	39
Malheur Co SD 42.....	1	114
Adrian SD 61.....	1	489
Harper SD 66.....	1	72
Gervais Un HS D 21.....	1	118
Marion Co SD 4C.....	1	661
Marion Co SD UH7J.....	1	362
Stayton Un H SD UH4J.....	1	56
Cascade H SD 5 Marion.....	2	289
Sublimity Elem SD.....	1	60
Aumsville SD 11C.....	1	94
Pioneer SD 13 Marion.....	1	38
Marion CO SD 14CJ.....	3	305
No Marion SD 15.....	3	204
Marion Co SD 20.....	1	57
SD 24J Marion Co.....	8	6,638
Victor Pt SD 42C Marion.....	1	14
St Paul SD 45.....	3	152
Marion Co SD 50.....	1	14
N Howell SD 51.....	1	18
Eldridge SD 60C Marion.....	1	29
W Stayton SD 16 Marion.....	1	78
Bethany SD 63C Marion.....	1	18
Scotts Mills G S Dist 73J.....	1	35
Stayton S D 77CJ.....	2	224
Turner Elem SD 79C.....	1	94
Mt Angel SD 91.....	1	49
Detroit SD 123J.....	2	46
Bethel Elem SD 125C.....	1	17
Buena Crest Elem SD Salem.....	1	20
Cloverdale SD 144C Turner.....	1	22
Central Howell SD 540C Marion.....	1	101
Marion Co SD 93C.....	1	24
Marion Co SD 103C.....	4	211
Monitor Elem SD Marion.....	1	26
Morrow Co SD R1.....	7	77
Parkrose SD 3 Portland.....	7	424
Gresham Elem SD 4.....	4	213
Reynolds SD 7 Troutdale.....	5	742
Multnomah Co SD 15-302Jt.....	1	74
Union HS D U2-20J Gresham.....	2	37
Rockwood SD 27 Portland.....	2	775
Lynch SD 28 Portland.....	3	429
Holbrook SD 38 Portland.....	1	16
Bonneville SD 46.....	1	18
Orient Gr SD 6300 Gresham.....	2	387
SD 1 Multnomah Co.....	32	35,296
David Douglas SD 40 Portland.....	6	942
Dallas SD 2.....	10	1,082
Central SD 13J Polk.....	3	669
Tillamook SD 9.....	1	60
Hebo Grd SD 9.....	1	16
Cloverdale Grd SD 22.....	1	25
Neah Kah Nie SD 56 Rockaway.....	5	114
Umatilla Co SD 2R Pilot Rock.....	2	150
McCloughlin Un H SD Umatilla.....	1	115
Tum A Lum SD 4 Umatilla.....	1	32
Umatilla Co SD 5R.....	1	14
Umatilla Co SD 6R.....	2	36
Umatilla Co SD 8R.....	5	310
Ferndale SD 10 Umatilla.....	1	31
Umatilla Co SD 13R.....	2	43
Pendleton SD 16R Umatilla.....	6	130
Umatilla SD 19R.....	2	66
Umatilla Co SD 29R.....	1	106
Milton Freewater SD 31.....	5	139
Union Co SD 1.....	5	265
Union SD 5.....	3	55
SD 8J No. Powder.....	2	30
Imbler SD 11.....	2	107
Union Co SD 15.....	2	32
Elgin SD 23.....	2	111
Wallowa SD 12.....	2	76
Enterprise SD 21.....	1	136
Chenoweth SD 9 Wasco Co.....	4	294
Wasco Co SD 12.....	2	198
Wasco Co SD 10.....	1	54
Wasco Co SD 84.....	1	227
Tualatin Grade SD 1J.....	1	21
Washington Co SD 2.....	2	90
Banks Dist 13 Washington Co.....	2	167
Forest Grove Elem SD 15.....	2	270
Reedville Elem SD 29 Aloha.....	1	24
Gales Creek SD 30.....	1	53
Groner SD 39 Washington Co.....	1	30
Farmington VW Elem SD 88J.....	1	24
North Plains SD 70.....	1	128
Witch Hazel SD L79 Wash Co.....	1	34
Sherwood Grd SD 88J.....	1	30
Washington Co SD 7.....	2	30
Washington Co SD 48.....	11	979

TABLE II—Continued

State and local education agency	Number of participating schools	Number of participating children
OREGON—continued		
Spray SD 1.....	2	49
Mitchell SD 55.....	2	43
Yamhill Co Un HS D 1.....	1	97
Amity Grd SD 4-45Jt.....	1	68
Dayton Pub SD 8.....	2	154
Carlton Elem SD 11.....	1	71
Yamhill Grade SD 16.....	1	66
Yamhill SD 29J.....	7	836
SD 30-44-63 Jt Yamhill.....	1	124
McMinnville Pub SD 40.....	5	236
Clatsop Co Sch Dist 37.....	1	45
Medford Sch Dist 549C.....	2	188
Dickey Prairie Sch 25.....	1	29
Albany Un HS D U-SJ.....	3	173
Neah-Kah-NE SD 56 Rockaway.....	5	182
Banks Sch Dist 13.....	1	20
Gresham Un HS D U2-20.....	2	622
Sheridan Pub Schs.....	2	46
Union H Dist 3.....	2	1,388
Sch Dist 1 Jt Scappoose.....	4	1,106
Clatskanie Grade Sch 5.....	5	1,83
Sch Dist U H I J Monroe.....	4	1,100
Josephine Co Sch Dist.....	2	1,665
Reedsport Dist U-13.....	1	1,365
Jackson Co Inter Ed Dist.....	5	11,573
Sch Dist 20 Harney Co.....	11	1,48
Union Lake Co Sch Dist 5.....	6	1,76
Lane Co Sch D1 79 Marcola.....	7	1,110
Tigard Elem Dist 23.....	7	2,128
Gaston Elem S D 511-555 Jt.....	2	1,35
Joseph District 6.....	3	1,63
Beaver Elem Sch Dist 8.....	2	1,38
Marion Co S D 4C.....	3	1,705
St Louis Elem Sd Dist 59.....	2	1,105
Evergreen Sch Dist 10.....	2	1,9
Total.....	738	97,479

¹ Cooperative projects with other schools. Only the originating school is given.

NATO AND THE REDUCTION OF AMERICAN FORCES IN EUROPE

Mr. DODD. Mr. President, I wish to congratulate the distinguished majority leader on his statesmanlike decision to withhold presentation of Senate Resolution 300, in deference to the administration's commitment to discuss the matter of NATO strategy and NATO force levels in formal negotiations with our British and German allies.

Senate Resolution 300, as originally worded, did, I believe, serve a positive purpose by letting our European allies know that there is widespread resentment over the failure of the NATO nations, with the exception of West Germany, Britain, and Turkey, to accept their fair share of the burden of the defense of Europe.

However, because I had serious misgivings about the wisdom of reducing our forces in Europe by unilateral action, I had planned to introduce another resolution underscoring the prime need for the reinvigoration of NATO and calling for a comprehensive study of all the problems confronting NATO. My resolution among other things stated:

The re-invigoration of NATO, combined with improvements in the techniques of modern warfare, might well make it possible, with the full understanding of our allies, to effect a significant reduction of United States forces permanently stationed in Europe, without adversely affecting Western security, or the military-diplomatic balance in Europe, or our ability to meet our commitments under the North Atlantic Treaty.

Other Senators had agreed to cosponsor this resolution with me, and I was in the process of consulting with them when the decision was made to set up the negotiations which are now underway in Bonn.

Since this decision took care of my major concern about the unilateral implication of Senate Resolution 300, I decided to withhold presentation of my own resolution.

I think it appropriate to make this a matter of record.

We have now made it clear to our allies that we have no intention of acting unilaterally on the question of American forces in Europe. This is all to the good.

While I am speaking on the matter, there are a few other aspects of the situation I wish to comment on because they bear on the negotiations which get underway today.

I believe that Senate Resolution 300, as originally worded, failed to give due weight to some of the legitimate grievances which our NATO allies have against us. I note that the House Committee on Foreign Affairs, in a recent report on "The Crisis in NATO," said that—I quote:

Our efforts to bring the other members of NATO into a meaningful partnership have been sporadic, inadequate, and marked by inconsistencies. We made unilateral declarations and entered into bilateral agreements instead of trying to arrive at joint decisions on issues which affect the security of the entire North Atlantic community. And we have devoted less than our best effort to the task of promoting the mutual understanding which is vital to the achievement of unity within the North Atlantic community.

The impression has been fostered by numerous writings and statements, including certain statements by administration spokesmen, that there has been a firm and irreversible normalization of relations between Western Europe and Communist Europe.

There has been no apparent normalization in the sense that the existence of NATO has for almost two decades now served as a deterrent to open Communist aggression in Europe. But if, through overcomplacency, we fail to take countermeasures to arrest the current erosion of NATO, we would also soon learn that the danger of Soviet aggression is not a thing of the past.

Those who have found comfort in the belief that Soviet policy has undergone significant moderation, would do well to read the speech of Mr. Sharaf Rashidov, the leader of the Soviet delegation to the Tricontinental Conference, which took place in Havana in January of this year. Mr. Rashidov said that:

The Soviet delegation has arrived at this conference with the aim of giving all-around assistance to the unification of the anti-imperialist forces of the three continents in order to provide greater impetus to our common struggle against imperialism, colonialism, and neo-colonialism—led by the U.S. capitalists.

Said Mr. Rashidov further:

The Soviet Union is supplying the fraternal people of Vietnam with the most modern weapons for meeting U.S. aggression. We are

doing everything in order that the deliveries of Soviet military equipment—aircraft, rockets, artillery ammunition, and so on—will get into the hands of the Vietnamese freedom fighters as rapidly as possible.

Saluting the Communist-dominated guerrillas in South America, Mr. Rashidov declared:

We express our fraternal solidarity with the armed struggle being waged by the Venezuelan, Peruvian, Colombian, and Guatemalan patriots for freedom against the stooges of imperialism.

Rashidov's statement led to vigorous protests by more than 20 Latin-American governments. It also led the Special Consultative Committee on Security of the Organization of American States to condemn Communist intervention and aggression and to describe the Havana Conference as "the most serious and dangerous threat that international communism has yet made against the inter-American system."

That the Soviet statements in Havana were no idle threats is attested to by the continuing campaign of terror and guerrilla action in the Americas and by the Kremlin's flagrant incitation of Syria's current confrontation with Israel.

It would be dangerous in the extreme to regard the present detente in Europe as a proof of Soviet moderation. What it means is simply that the existence of NATO has thus far made aggression in Europe an unacceptable risk for the Kremlin. Because of this, the Soviets have in recent years directed their energy to other areas of the world like Vietnam and Latin America and Africa where they can engage in subversion or support aggression without risking an open confrontation with Western powers. But we should ask ourselves why the Soviets continue to seek the dissolution of NATO through a thousand different artifices if they harbor no aggressive intention toward Western Europe.

NATO was created to contain Soviet aggression. The sacrifices necessary to maintain it can only be justified by the NATO governments on the grounds that the danger of Soviet aggression still exists. The tendency to minimize this danger bears a large portion of the responsibility for the erosion of NATO unity and morale. Conversely, a realistic acceptance of this continued danger is the essential first step in the rehabilitation of NATO.

The problems of NATO are too many and too complex to respond to any single remedy. But, among other things, it is clear that a solution for the problem of nuclear sharing in NATO will have to be found if the confidence of our allies is to be restored.

There has, in my opinion, been too much emphasis on sharing control of strategic weapons targeted against Soviet population centers. It is true that, even if a formula could be found for sharing control of such weapons, the so-called "two key" system would make it impossible for any NATO nation to let fly with strategic weapons without American concurrence. But despite this, it is possible to understand Soviet apprehensions

about any dilution in American control of weapons capable of destroying all of the Soviet population centers.

It would be more realistic politically and more meaningful in a military sense if a formula could be found for sharing in the control of tactical nuclear weapons of stated maximum tonnage and stated maximum range, so that there could be no doubt about their clearly defensive nature.

Such a solution would fit in with the concept of a graduated response to Soviet aggression, while providing NATO with an effective means of meeting the contingency of aggression by superior Communist forces.

It would reduce Soviet fears of a thermonuclear incident, while the retention of the two-key system should satisfy them that none of our allies would be able unilaterally to trigger a tactical nuclear weapons incident along the East-West curtain.

I intend to speak on this matter at greater length when Congress convenes again, in a speech which I am captioning "Nuclear Sense and Nuclear Nonsense."

I raise these points for the purpose of illustrating some of the problems and complexities that confront us. This is not a situation in which we can jump at conclusions. On the contrary, any stand we take has to be based on the most careful and comprehensive study, carried out in consultation with our allies.

The North Atlantic Treaty has been a cornerstone of our security structure. It has effectively served as a shield against the contingency of Communist aggression in Europe.

Any further erosion of the NATO structure or of European confidence in NATO would seriously weaken the free world, diplomatically and militarily, and might reactivate the danger of Communist aggression in Europe.

Conversely, the reinvigoration of NATO would assure the maintenance of peace in Europe. By persuading the Communists that aggression will not be permitted to succeed and that their efforts to destroy NATO have been frustrated, it would encourage the trend toward a genuine normalization of relations in Europe.

Let us all hope that the conference which convenes today in Bonn will be able to find an answer to the many problems that now threaten NATO's existence.

TRIBUTE TO SENATOR ROBERTSON

Mr. SIMPSON. Mr. President, I wish to add just a few remarks to the well-deserved tributes already paid to my great friend and distinguished colleague from Virginia [Mr. ROBERTSON].

During my term here in the Senate I have found the senior Senator from Virginia to be always one to whom I could go for sound advice. He was one who could and would give thoughtful consideration to the problems of each day and who shared his thoughts with us all.

As chairman of the Banking and Currency Committee he has played a large

part in much of the important business passed on by the Senate. We have all come to respect the chairman and the manner in which his committee has conducted itself.

As one who is also retiring I feel that I share with my friend, WILLIS ROBERTSON, some mutual regret at leaving the Senate. But in leaving he should remain confident in the knowledge of the great esteem with which he has been regarded by his colleagues and should know that his presence in the Senate will be greatly missed.

JOBS FOR PROGRESS, INC., AND PROJECT SER

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have printed in the RECORD the text of a speech delivered recently by the Senator from Texas [Mr. TOWER] concerning the private efforts of a group of Texans of Latin American descent to help solve the problems of Latin American people in Texas.

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

SPEECH BY SENATOR TOWER

I wish to commend Jobs for Progress, Inc., a non-profit organization, chartered in Texas on February 8, 1966, by Mr. Alfred J. Hernandez, Mr. Augustin A. Fores, Mr. William D. Bonilla, and Mr. Gabino Sedillo, who besides being the incorporators, served as initial directors together with Mr. E. D. Cardiel, Sr., Mr. John J. Herrera, Mr. Alfonso G. Sanchez, Mr. Fermin Calderon, Mr. Rudolf Gonzalez, Mr. Manuel O. Santz, Mr. Louis Tellez, and Mr. Albert Pinon. Also worthy of commendation are Mr. Bob Ornelas, Mr. George Roybal, and Mr. Girard P. Clark, of the Department of Defense, who originated and drafted Project SER as the vehicle for Jobs for Progress, Inc.

I am enthusiastic over the entire package because as United States Senator for Texas, I represent a State that now has 2,000,000 citizens who bear Spanish surnames—20 percent of my State's population.

After careful consideration, I am of the opinion that Project SER, guided by many dedicated and altruistic Latin-American leaders, will go a long way toward solving the problems of my Latin-America friends, not only in Texas, but in the entire southwest, where the majority of our Latin-American population now lives.

The median education of my Latin-American constituents in Texas was around 6.1 years in 1960; the median family income for Latin-American families in my State was \$2,029 in 1959; the dependency ratio (those under 15 years of age and those over 65) was 93.3 out of 100 in 1960; and 13.7 percent of the Latin-American families in Texas made less than \$1,000 in 1960. I have been greatly concerned about these problems and have given careful consideration to possible solutions. Therefore, I am going on record today to state my belief that it takes a Latin-American to understand and feel the problems of the Latin-American community. I am pleased that this is one of the things Project SER advocates. I am pleased, too, with the way Project SER works on the local level through the local Latin organizations. But most of all, I am pleased because I feel that Project SER and the Latin-American leaders involved at last have a vehicle to begin solving the problems of the large Latin-American population of my State. I stand

ready to consider every problem and help wherever I can.

In extending my best wishes to Project SER, my greatest hopes are that this unique program will succeed, and that it can be operated on a bi-partisan basis free of political overtones, under responsible management, so that it can do the work it was designed to do efficiently and fruitfully.

SENATOR SIMPSON OF WYOMING

Mr. STENNIS. Mr. President, it has been my privilege to serve with many fine men in the U.S. Senate. Many have made contributions to the Senate and their wise counsel has been helpful to me. But I do not know of any Member with whom I have served who, in such a short time, impressed his Senate colleagues as favorably as did our friend from Wyoming, the Honorable MILWARD SIMPSON.

Senator SIMPSON's honor, his high integrity, his courage, his understanding of the problems of government, and his unyielding loyalty to principle have all combined to rapidly make him one whose influence was felt here in the Senate. Further, that influence was rapidly becoming outstanding.

His personal life, his fine Christian ideals, his practical understanding of life, all lent strength to his influence to his fellow Senators as well as among all of those with whom he came in contact. It has been a privilege to me to observe directly the great esteem and respect he enjoys in his native State of Wyoming, whose people he loves and whose native soil has his great devotion.

I remember an inscription over a gateway at a sacred historical spot in our Nation which included these words:

Enter this gateway in search of truth, the way of honor, and the will to work for men.

MILWARD SIMPSON has done exactly those things and the Senate, the State of Wyoming, our Nation, and his friends, are much better because of him.

I salute him and wish him and his charming wife many more years of happiness and usefulness, all of which they richly deserve.

TRIBUTE TO SENATOR ROSS BASS

Mr. DODD. Mr. President, I am very sorry that our able and distinguished colleague from Tennessee, Senator ROSS BASS, will not join us when the 90th Congress convenes in January.

ROSS BASS and I have served together in both the House and the Senate, and we have sat next to each other in this Chamber for some months.

I have always thought that ROSS BASS was a fitting and worthy successor to the great Estes Kefauver.

In the Senate these two shared and worked hard for similar goals and ideals, based on a fair deal for the average man and for the underprivileged. Both held the firm conviction that equal rights for all means just that, regardless of a person's race, religion or ethnic origin and both had an inherent dislike for the large, the impersonal and the selfish

whether this be found in a business, an institution or a person.

Even though ROSS BASS has been a Member of the Senate for only 3 years, he has already established himself as one of our leading Senate spokesmen for progressive causes and legislation.

I shall miss Senator BASS as a seat-mate, as a colleague, as a holder of many beliefs and views similar to mine, and as an outstanding and sincere person.

And I wish him well in the future, as he turns his ability, energy and good will to other equally challenging endeavors.

COMPENSATION TO INNOCENT VICTIMS OF VIOLENT CRIMES

Mr. YARBOROUGH. Mr. President, much comment has been made since introduction in 1965 of my bill, S. 2155, to create a Federal Violent Crimes Compensation Commission to consider the claims of those injured by criminal violence.

The need for such legislation is illustrated by the increasing discussion of this approach to a neglected subject in our usual treatments of the problem of criminal violence—the status of the victim of the crime.

Serious comment has come from the legal community in such publications as the December 1965 Minnesota Law Review. Legislative action on similar programs has taken place in California and New York. Other States are considering such compensation. These further illustrate that this is an idea whose time has come.

Another indication of the interest engendered by this approach is its treatment in the national press. As an example of this, I ask unanimous consent to print at this point in the RECORD an article in the October 9, 1966, edition of Family Weekly by myself with Charles Remsberg, which is entitled "Should Crime Victims Be Paid?"

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

SHOULD CRIME VICTIMS BE PAID?—MANY HELP THE CRIMINAL, BUT NO ONE AIDS THE MAN HE ATTACKS—THIS SENATOR PROPOSES WE GIVE A HAND TO AMERICA'S FORGOTTEN MINORITY

(By RALPH YARBOROUGH, U.S. Senator from Texas, with Charles Remsberg)

In recent months, more than 70 persons in a single state—Illinois—have been reduced from productive citizens to relief recipients by something that can befall any of us.

Through no fault of their own, they were victims of violent crimes which temporarily or permanently wiped out their savings, their jobs, and their future hopes.

Four years ago, for instance, George T. was attacked by three robbers as he headed home from his factory job. In the fight for his wallet, the bandits beat him and shoved him off a loading platform. He suffered head injuries that have since made it impossible for him to control his muscles—or to work!

Max K., a truck driver, was mercilessly beaten by a band of drunken teen-agers last October. Since then he has three times been hospitalized for recurring internal injuries, has run up more than \$3,000 in medi-

cal debts, and has lost \$350 in wages every month. His wife cannot work because she must care for their three small children.

Harold B. happened upon a street fight outside a tavern as he was shopping one evening. One of the fighters, apparently mistaking him for a fellow brawler, suddenly lunged at him and stabbed him in the head. Brain damage has claimed much of the sight of one eye and has left Harold paralyzed.

These startling cases, revealed in a survey by the Illinois Department of Public Aid, have their counterparts all across the nation. And for every victim who is completely impoverished by his encounter with crime, scores more are burdened with serious financial, psychological, and physical losses, simply because they happened to be in the wrong place at the wrong time.

Your chances of joining their ranks are increasing yearly. The rate of serious crime in this country is mushrooming six times faster than the population.

Collectively, these crime victims and their survivors constitute the largest forgotten minority in the U.S. Their attackers, if captured, often are defended by lawyers, examined by psychiatrists, and treated by physicians—all paid for by the state. If sent to prison, they are given everything from clothing to college educations without personal cost.

Yet their victims, whose lives may have been turned to chaos by the crimes, are almost universally ignored.

If a man is injured in an industrial accident—even if his own negligence contributed to the mishap—he is eligible for financial awards under our workmen's compensation laws.

Yet the only way to collect reimbursement for medical bills, lost wages, or other expenses in a criminal case is to sue your attacker. Often his identity is unknown. And even when he is in custody, he rarely has assets with which to pay for the trouble he caused.

On one case I am familiar with, a man beaten and blinded by a robber was able to get a judgment against the assailant. But the thief, because of his own poverty, can pay such small weekly installments that the victim would have to live more than 400 years to collect the total due him!

Ever since I was a district judge in Texas 30 years ago, I have been disturbed by the unfair irony of this system. Now I think it is time for us to follow the pioneering lead of some other countries and extend a helping hand to these innocent victims of crime.

After all, our government demands that we go into the streets unarmed. We pay taxes for police protection. We realize, of course, that lawmen cannot possibly prevent all all crime. But as U.N. Ambassador Arthur Goldberg has pointed out: "The victim of a robbery or an assault has been denied the constitutionally guaranteed protection of the law in a very real sense, and society should assume some responsibility for making him whole."

In legislation I have introduced in the U.S. Senate, I offer a steppingstone toward this goal.

My bill calls for the creation of a Violent Crimes Compensation Commission. This three-man tribunal, appointed by the President and sitting in Washington, would be empowered to award Federal funds to cover the medical expenses, pain and suffering, lost wages, and decreased earning power inflicted on innocent citizens by crimes of violence.

A victim—or, in the case of murder, the victim's family—would be expected to file proof of his injuries and costs within two years of the crime. Applications would be checked out by an investigative staff, much

as insurance claims are verified. Cases of assault, mayhem, lewd acts with children, kidnaping, murder, rape, and voluntary manslaughter are among the crimes that would be covered. The bill would also provide compensation to "good Samaritans" who are injured or killed trying to stop a crime.

No more than \$25,000 would be granted to any one victim, and the size of the award would be influenced by personal insurance settlements, public donations, or job benefits an applicant might have received to help meet his expenses. Property losses would not be reimbursed, and no compensation would be allowed to victims who are relatives of their attackers or who were living with their assailants at the time of the crime.

However, policemen killed or injured in the line of duty would be eligible. Small-town police departments, particularly, often have little or no benefit funds to aid their personnel. Also persons adversely affected by witnessing a crime might qualify. Last May in Kansas City, for instance, one woman collapsed in shock and another suffered an epileptic seizure when they saw a murder committed.

The attacker would not have to be identified, arrested, or convicted for a victim to collect. Nor would the assailant's sobriety, sanity, or age affect the case, as it so often does in the courtroom.

Because the costs and machinery of such a program are hard to estimate accurately at the outset, I am proposing that compensation initially be limited to crimes which occur in areas of Federal jurisdiction—principally the District of Columbia and parks, military bases, maritime provinces, and other Federally policed territories.

Some experts suggest that a nationwide compensation program can be run for \$20 million a year or less. If our pilot experiment suggests that this would be the case, I certainly would not object to future expansion. Meantime, I hope that the legislation I have drafted will serve as a model for individual states to adopt and finance with state funds.

A limited compensation program went into effect in California last January, and New York City has adopted an ordinance to aid persons who are injured or killed trying to prevent crimes. The New York law was passed after a young airline employee was stabbed to death in front of his wife and daughter as he grappled with a drunk who was molesting two elderly women on a subway train. The widow was so impoverished by the murder that she had to send her daughter to live with relatives in Germany.

Victim-compensation legislation also has been passed by New York State, effective next March. Other states considering such legislation are Oregon, Michigan, New Jersey, Illinois, Wisconsin, Pennsylvania, Rhode Island, Maryland, and Massachusetts. I believe the climate is ripe for action. A recent Gallup Poll shows that 62 percent of the American people agree that society has a moral obligation to aid those citizens it fails to protect from crime.

I believe we have missed the mark by not devoting concern to the innocent victims of crime equal to that we have given the criminal. The victim needs our help through compensation.

We can give him no less.

HARRY F. BYRD, AMERICAN STATESMAN

Mr. SMATHERS. Mr. President, one of the great figures of American political life—Senator Harry Flood Byrd—has left our midst. His passing marks the end of a profoundly influential career. All of us, no matter what our political per-

suation, are diminished by the loss of this great statesman. For Harry Byrd personified the best in the American political tradition. A man of great honor and personal integrity, Harry Flood Byrd stood always for the preservation of principles and ideals which furthered our Nation. When he resisted legislative change, it was always based on a philosophy of government—for Harry Flood Byrd loved the Constitution and the legacy of the great Virginia statesmen of our founding days.

He, himself, came from illustrious forebears. The Byrds of Virginia are among the names which continue to shine throughout American history. Yet Harry Byrd's personal story is one which reveals his strength of character—for he rose in fame, not through inherited wealth, but through his own hard work and perseverance. He knew what hard work was and how the benefits of life had to be earned. Yet, Harry Flood Byrd always had room in his heart for people and was uniformly friendly, courteous, and encouraging to all. He believed deeply in the pioneer virtues and his own life's story bore out a theme often repeated in our history—the triumph of hard work and dedication to duty over adversity.

Born in Martinsburg, W. Va., on June 10, 1887, Harry F. Byrd moved with his parents to Winchester, Va., in that same year.

Times were not easy for this young man, but at 16 he entered the newspaper business and became publisher of the Winchester Star in 1903. He also became active in the growing and storing of apples and peaches near Berryville in 1906. Here again, he demonstrated the diligence and capability that ultimately enabled him to become the world's largest applegrower.

It was not surprising that this hard-working young man should enter public life—first as president of the Valley Turnpike Co., from 1908 to 1918; then as a member of the State senate from 1915 to 1925; as State fuel commissioner in 1918; as chairman of the Democratic State Committee in 1922, and as Governor of Virginia, 1926–30.

Appointed to the Senate in 1933 to fill a vacancy caused by the death of Claude A. Swanson, he served with distinction until 1965, when he resigned because of health reasons.

Those years in the Senate were productive and valuable ones for this Republic. The lessons of his youth were not lost on Harry Flood Byrd and he continued to his death to be a staunch defender of sound management and Jeffersonian principles in the Federal Government. He was truly a watchdog of the Treasury in the finest sense.

I had the privilege of serving many years on the Senate Finance Committee under the able and always honorable leadership of Senator Byrd.

In all those years, Senator Byrd owed to a consistent philosophy of government activity—striving to preserve those values which he felt were synonymous with constitutional government.

Senator Byrd was a conservative without rancor and a patriot without stint.

Though we sometimes did not see eye to eye on issues, he was always fair and impartial and cognizant of a differing view.

He was an American worthy of the word greatness.

He was a staunch believer in integrity and soundness in government, as well as in personal conduct.

A distinguished leader of Virginia, a Senator for all the Nation, Senator Harry Flood Byrd will be sorely missed by all of his former colleagues in this Chamber.

My deepest sympathy goes to Senator HARRY F. BYRD, JR., and to brothers.

WATER: THE KEY TO WYOMING'S FUTURE

Mr. SIMPSON. Mr. President, I wish to address myself to a matter of great importance to my home State of Wyoming. This is the subject of water.

A few days ago I presented a statement to the Appropriations Committee, which I ask unanimous consent to have printed at this point in the RECORD.

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

STATEMENT OF U.S. SENATOR MILWARD L. SIMPSON TO THE SENATE COMMITTEE ON APPROPRIATIONS, OCTOBER 18, 1966

Mr. Chairman, I wish to testify on behalf of my State of Wyoming concerning feasibility investigations on the Upper Colorado River. For many years, Wyoming has been awaiting the results of a report on the so-called Sublette participating project. This project includes the proposed Kendall Reservoir on the Green River in Wyoming and a diversion of water from the Green River to the North Platte River Basin in Wyoming.

The 84th Congress passed as Public Law 485 the Colorado River Storage Project Act. Among other things, that important act provided for the construction of a number of participating projects. Most of these eleven projects have been completed or are now under the final phases of construction.

Section 2 of the Colorado River Storage Project Act directed the Secretary of the Interior to give priority to the completion of planning reports on twenty-five other designated participating projects. The Sublette Project was among those designated for such priority. Since the passage of the 1956 Colorado River Storage Project Act, almost all of the feasibility reports on these priority projects have been completed. Completed reports have been made, and in some cases construction begun, on the following projects: Animas-La Plata, Bostwick Park, Dolores, Fruitland Mesa, Navajo Indian irrigation, San Juan-Chama, Savery-Pot Hook, Dallas Creek, San Miguel, West Divide.

On the other hand, the Sublette Project in Wyoming is among those few for which funds were never appropriated. This omission has placed the economic development of the State of Wyoming in jeopardy and I am in the hopes that feasibility studies can be commenced at the earliest opportunity. Wyoming stands on the threshold of increased growth and prosperity if it can find the proper combination of keys to unlock its mineral resources. Water is one of those keys. The proposed Sublette or Upper Green River feasibility study as contemplated by Wyoming's State Engineer and by Wyoming's Natural Resource Board would include plan-

ning for crucial municipal and industrial water. The study would help to determine possible means for delivery of that M&I water to appropriate locations within the state.

I urge the Committee to consider Wyoming's basic needs and to consider that state's proper place in the future development of the Upper Colorado River Basin. I, therefore, request, Mr. Chairman, that an appropriation of \$25,000 be made from available funds for use by the Department of the Interior for a Bureau of Reclamation feasibility study of the Sublette participating project as authorized by the Colorado River Storage Project Act of 1956. A supplemental report from the Department of the Interior will follow.

Mr. SIMPSON. Mr. President, the committee was then considering various supplemental appropriations for fiscal year 1967. At that time I sought to have included in the bill a modest amount of money which would have enabled the Bureau of Reclamation to conduct a long overdue and much-needed reconnaissance study on the Upper Green River in Wyoming. This study had previously been authorized in 1956 by the 84th Congress in the Colorado River Storage Project Act, Public Law 485. Section 2 of this act had directed the Secretary of the Interior to give priority to the completion of planning reports on the Sublette and other designated participating projects. Since the passage of the 1956 Colorado River Storage Project Act almost all of the feasibility reports on these priority projects, with the exception of the Sublette project, have been completed and in many cases project construction is underway.

It is imperative that Wyoming's needs be considered in the future planning and development of the Upper Colorado River Basin. Unfortunately, the Appropriations Committee was not able to provide funds for unbudgeted items at this time, but I have urged that the Bureau of Reclamation be given the "go ahead" at the very earliest opportunity. I have written the Department of the Interior to this effect and will stress the urgency of this matter to the man who succeeds me as Senator from Wyoming.

On October 18, the Bureau of Reclamation submitted a statement to me and to the Senate Appropriations Committee indicating their favorable support for such a study and so I feel confident that the way is now well paved for prompt action on behalf of Wyoming.

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

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

STATEMENT BY BUREAU OF RECLAMATION,
DEPARTMENT OF THE INTERIOR, ON SUBLETTE
PROJECT, WYOMING, OCTOBER 18, 1966

The 1967 Public Works Appropriation Act does not contain any funds that can be used for further studies of the Sublette project.

In the late 1950's the Bureau did considerable planning work on the Sublette project which would involve a multi-purpose dam and reservoir on the Green River and facilities to provide irrigation service for some 87,000 acres of land. The studies were not completed, however, because of lack of

local interest. In recent months there has been evidence of increasing interest on the part of both the State of Wyoming and the local people in proceeding with development of the project. Further, there is a growing need for additional water in the North Platte Basin primarily for municipal and industrial purposes. For all practical purposes, however, the waters in the North Platte Basin are now being fully utilized and the future growth of that area will be dependent upon importations. One of the possibilities for importation is from the Green River. A reconnaissance investigation is needed to bring up to date the plans for the Sublette project and to evaluate the possibility of a transbasin diversion into the North Platte Basin. Funds in the amount of \$25,000 could be used in fiscal year 1967 to get such a study underway.

STOP FOOLING OUR PEOPLE

Mr. SIMPSON. Mr. President, in this regard I wish to express—with no little reluctance—my shock upon discovering that the Representative from Wyoming introduced two bills in the House of Representatives on September 8, 1966. These bills were introduced by a proxy method since the Representative was absent from Washington at the time and perhaps this accounts for the misleading and inaccurate nature of these bills. Be that as it may, it is of great importance for the purpose of making proper legislative history that the situation with respect to these bills be clarified, despite the fact that no House action has been taken on these bills, because both of these bills attempt to affect Wyoming water.

Let me, then, try to set the record straight. H.R. 17616, as introduced by the Representative from Wyoming, was entitled:

A bill to authorize the Secretary of Interior to proceed with construction, maintenance, and operation for the Seedskaadee irrigation project of Wyoming to investigate means of augmenting the water supply of the Colorado River Basin, and for other purposes.

Despite the fact that the bill's title purports to authorize a project, the text of the bill reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Interior for the Seedskaadee participating project of the Colorado River storage project shall establish the nonexcess irrigable acreage for which any single ownership may receive project water at three hundred and twenty acres of class 1 land or the equivalent thereof as determined by the Secretary in other land cases.

This language frankly leaves me at a loss, but I can assure one and all that the bill does not do what it claims by its title. The fact of the matter is that the Seedskaadee participating project was specifically authorized by Public Law 485 of the 84th Congress, the Colorado River Storage Project Act, approved April 11, 1956. In 1958, the Seedskaadee Participating Project Acreage Limitation Act, Public Law 85-797, authorized the acquisition and disposition of certain private lands and the establishment of the size of farm units in the Seedskaadee reclamation project. This inevitably leads us to the

conclusion that any future effort to amend the acreage limitations of the Seedskaadee project must be properly addressed to these previously named acts.

Next, I note that H.R. 17617 was also introduced by the Congressman from Wyoming on September 8, 1966. Unfortunately, that bill also serves no constructive purpose that I can detect. As I have noted earlier, the Bureau of Reclamation has already expressed its willingness to complete the feasibility studies as previously authorized by the Colorado River Storage Project Act. The Sublette study as previously proposed by the Bureau of Reclamation will include a reconnaissance of possible damsites and will investigate the possibility of trans-watershed diversion from the Green to the North Platte River. All that has been lacking, as I previously noted, has been the funds for the completion of this study and it is hoped that these funds will now be rapidly forthcoming. H.R. 17617 does nothing to further these studies; in fact, its introduction has only served to confuse the problem. Such irresponsibility as the introduction of H.R. 17616 and H.R. 17617, makes a mockery of the legislative process and does a great disservice to the future fulfillment of Wyoming's water needs.

On the other side of the coin, let me state for the RECORD the positive need which Wyoming has for the completion of a feasibility study on the Upper Green River. Wyoming presently stands on the threshold of increased growth and prosperity which will come when it puts together the proper combination of keys to unlock its great wealth of mineral resources. One of these keys—in fact, I would not hesitate to say the most important of them—is water. As I said in a statement recently printed in the Casper Star-Tribune:

Water is the lifeblood of the West.

I ask unanimous consent that that article be printed at this point in my remarks.

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

WATER: THE LIFE BLOOD OF THE WEST
WYOMING WATER

(Statement by MILWARD L. SIMPSON, U.S. Senator from Wyoming)

Water has been and will continue to be the single most important resource in the history of the West. Wyoming has always been a leader in the development of Western water. The annals of our State are filled with the names of those great men who helped to shape our laws or who turned the sagebrush prairie into rich cropland.

Today, we are both proud and fortunate to have the leadership of Governor Hansen, of State Engineer Floyd Bishop, of Oscar Barnes of the Wyoming Agricultural Extension Service, and of Wyoming's Natural Resource Board—all working to protect and promote Wyoming's rich interest in its waters.

The history of water development in Wyoming can be traced through several phases. First came community-inspired projects and mutual ditch companies. In those early days, canals and reservoirs were dug by horse and by hand.

The next phase witnessed large dams, built to supply water to reclamation projects. This phase continues today.

Wyoming now stands on the threshold of the newest phase in water development. This phase contemplates trans-watershed diversions. Within the State, studies must be authorized to determine the feasibility of transfer of waters from the Green to the North Platte River. Wyoming should be careful, however, that it does not "rob Peter to pay Paul."

Interstate transfers will also occur, and in this respect Wyoming occupies a unique geographic position at the head of four great river basin systems: The Columbia; the Upper Colorado; and the Upper and Lower Missouri basins. Wyoming must be assured of intelligent representation in the complex planning under way for future transfer of water from one river system to another.

With the 89th Congress now drawing to a close, the chief sponsors of the Colorado River Basin Project legislation reluctantly announced that their bill would not pass this year. Thus, the effort that had been made in the House of Representatives to tie certain of Wyoming's water projects to that legislation proved to be an untimely error in judgment. Back in Wyoming, however, Governor Hansen and the officers of our State agencies had already seen the handwriting on the wall and were working to adequately protect Wyoming's interests. They stood firm in their demand for an assured future water supply for Wyoming. Their present emphasis on the need for a greater allocation to municipal and industrial water in future projects commands the support of us all.

On the national level, the threat posed to our State's use of its water has recently grown especially intense. In January of this year, the Senate passed the proposed Wild Rivers bill. I cast the single dissenting vote, for that bill would contribute greatly to the cause of water "federalism." The Senate unfortunately rejected an amendment proposed by Senator ALLOTT of Colorado and myself which would have required compliance with State law for water appropriation and for the allocation of waters in years of shortage.

This trend which Congress now follows with respect to water underscores the urgency of Governor Hansen's recent realistic assessment of Wyoming's interests when he says, "With our water, it's now either use it or lose it." Wyoming must be prepared to follow his leadership.

Mr. SIMPSON. Mr. President, Wyoming's future growth hinges inextricably upon the proper development of its water. More particularly, added attention must now be given to the increasing allocations of water for municipal and industrial purposes. The mining of Wyoming's uranium reserves; the continued production, refining, and marketing of Wyoming's oil; the increased use of Wyoming's vast coal reserves for electric power production; the continued development of Wyoming's iron ore reserves; the development, mining, and refining of Wyoming's fabulous oil-shale deposits; the exploration, discovery, and production of as yet unspecified minerals; the further development of chemical, electronic, and defense industries; and last but not least the continued prosperity of our all-important agricultural communities, cattle, sheep, and farms—all of these things depend for their growth upon that all important lifeblood—water.

Further, most of the needs of Wyoming's cities and of its people have so far been met. There will come a day, however, when the more populated areas of the State will find themselves in need of additional domestic and municipal water. Our neighbor State to the south, Colorado, many years ago experienced this problem and the recent history of that State has shown an astronomic rise in the cost of municipal water for its eastern slope coupled with unfortunate court actions, snarled water rights, and costly diversion projects.

Wyoming is more fortunate, for there is still time to plan properly for trans-watershed diversions to meet the needs of our projected population centers. The proposed Sublette reconnaissance would study just such a diversion as this and, of course, it goes without saying that this study must be done now—when Wyoming does have time.

WILD RIVERS AND WATER FEDERALISM

In this past session of Congress, Wyoming has looked with great attention to events unfolding in Washington. Early this year the Senate passed the so-called wild rivers bill, S. 1446. That bill would have provided for a national wild rivers system. I objected to that bill because of its provisions which indicated an intention to include the Upper Green River in that system. Nevertheless, several valuable and improving amendments were included in the bill while it was being debated in the Senate Committee on Interior and Insular Affairs. I am proud of those amendments since they helped to clarify the intention of the committee that the wild rivers bill would not be permitted to derogate the right of individual States to adjudicate the appropriation of waters according to State law. These amendments are now a firm part of the legislative history and need not be reiterated here.

However, a final clarifying amendment was offered on the Senate floor by the Senator from Colorado [Mr. ALLOTT] and myself, and this was unfortunately rejected. The rejection of this amendment was another reason why I was finally forced to disapprove of the wild rivers bill. A discussion of the consequences of the Senate's action with respect to wild rivers legislation is contained in an article written last spring by David Dominick while he attended the University of Colorado Law School.

I ask unanimous consent that the article be printed at this point in my remarks.

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

WILD RIVERS LEGISLATION

(Prepared by David D. Dominick, June 1, 1966)

"With respect to the water of our western states it has now become a case of 'Use it or Lose it.'"—Clifford Hansen, Governor of Wyoming.

LOOKING AHEAD

1. The year is 1970. Mr. Lavender Cowboy is the owner of the "Lazy D" dude ranch in the state of Wyoming. The ranch is split in two by the Upper Green River. On the

west side of the river lie one hundred and sixty acres of irrigated hay lands originally homesteaded by Lavender's father, "Cactus Jack," under the Desert Land Act during Wyoming's territorial days. And on the east the ranch house and corrals have been built on "school land" that Lavender's mother had bought from Wyoming after it had become a state. Surrounding the ranch on all sides is the Jim Bridger National Forest. Some miles upstream is the lower boundary of the Washakie Wilderness Area and about a mile below Lavender's lower fence the Green enters a stretch that had been designated as "Wild River Area" in 1969 by the 91st Congress.

In the spring of 1970 Lavender began diverting, with some return flow, a portion of the waters of the Green into a ditch which supplied some private fish ponds and a swimming pool which he had recently constructed, at considerable expense, for the enjoyment of his high-paying summertime "guests." Lavender had applied to the Wyoming State Engineer for a diversion permit and sought to perfect his appropriation when he was abruptly sued, along with the State of Wyoming as a party defendant, by the United States which sought a permanent injunction against this and any further attempted diversions by Lavender.

2. Assume the same situation as has just been given except that this time Lavender's ranch lies within the designated Wild River Area along the Green. That spring a heavy runoff from the mountain snow-pack has washed out many banks along the Green. And now, instead of seeking to divert water from the river, Lavender has cut down several tall spruce trees and has hauled in some wrecked car bodies in an effort to prevent further deterioration of the river bank next to his hayfield. Now Lavender is sued by the United States for damages to the "scenic easement" that a year before he had been forced to sell to the federal government.

3. Or, assume again the year 1970. Again the Wild Rivers Act has been made law and an area of the Upper Green River has been set aside under its provisions. This time the State of Wyoming plans to construct a dam for the purpose of impounding water. The water will be offered as an inducement to an industry which contemplates the production of gas fuels from Wyoming's large coal reserves. But the upper two miles of the proposed storage reservoir behind this dam will flood back into the established Wild River Area.

The United States sues Wyoming, enjoining the building of the dam.

4. And lastly, assume a Wild Rivers Area as before. This time, however, the Valley Development Company seeks to appropriate under state law some of the waters of the Green from some point within the Wild Rivers Area. The appropriation is necessary for the exploitation of sodium deposits that have been federally leased to the joint venture corporation by the Department of Interior.

At this point the Secretary of Interior sues both Wyoming and the Valley Development Company enjoining the attempted appropriation.

THE EFFECT OF WILD RIVERS LEGISLATION

If the Wild Rivers Bill¹ were to be passed by this, or any subsequent, Congress then the United States would probably prevail in court against all other parties in the hypotheticals just posed.

The purpose of this paper is to examine this proposed legislation in two major areas: First, as it will affect present and future private water rights; And second, as it re-

¹ S. 1446, 89th Cong., 1st Sess. (1965).

fects current legislative thinking about Federal-State relations in the field of water law.

LEGISLATIVE HISTORY

In 1962 the Outdoor Recreation Resources Review Commission² recommended that:

"Certain rivers of unusual scientific, esthetic, and recreational value should be allowed to remain in their free-flowing state and natural setting without manmade alterations."³

Following that recommendation the Secretaries of Interior and Agriculture conducted a "Wild Rivers Study" of all the nation's streams in order to identify those areas suitable for inclusion in a wild rivers system. Then on March 3rd 1965, Senator CHURCH of Idaho submitted an administration-drafted wild rivers proposal to Congress. Hearings were held before the full Senate Committee on Interior and Insular Affairs on April 22nd and 23rd⁴ and field hearings were conducted at Green River, Wyoming, May 17th and at Boise, Idaho, May 18th.⁵

Following these hearings numerous amendments to the original bill were submitted by a unified minority and on September 28, 1965 Senator CHURCH reported out the bill, in the form of an amendment, favorably from the Committee. Minority views were submitted with the report⁶ and further amendments to the committee amendment were offered on January 14, 1966,⁷ January 17th,⁸ and January 18th.⁹ The bill was passed by the Senate, 71 to 1, on January 18, 1966,¹⁰ then sent to the House and referred to the House Interior Committee where it presently pends.

FIRST: WATER RIGHTS

As passed by the Senate the Wild Rivers Bill provides for a national Wild Rivers Sys-

² Established under the Outdoor Recreation Resources Review Commission Act, 72 STAT. 238 (1958), 16 U.S.C. Sec. 17(k) (1964) creating the commission and requiring it to make a broad survey of present and future needs and resources for national outdoor recreation.

³ S. Rep. No. 792, 89th Cong., 1st Sess. 3 (1965).

⁴ *Hearings Before the Senate Committee on Interior and Insular Affairs*, 89th Cong., 1st Sess., Pt. 1 (1965).

⁵ *Ibid.*, Pt. 2.

⁶ S. Rep. No. 792, *op. cit. supra* note 3.

⁷ CONGRESSIONAL RECORD, Jan. 14, 1966, p. 246. Amendment No. 475 proposed by Sen. ALLOTT.

⁸ CONGRESSIONAL RECORD, Jan. 17, 1966. At p. 497, amendment by Sen. JORDAN of Idaho providing for the establishment of a National Wild Rivers Review Board; agreed to at p. 500. At p. 501, amendment by Sen. KUCHEL pertaining to the jurisdiction of the States over waters of any stream included in a wild river area; agreed to at p. 502. At p. 502, the Allott amendment No. 475 pertaining to the reservation of waters of streams within the wild rivers system and the applicability of State law was called up by Sen. SIMPSON; rejected at p. 504. At p. 505, an amendment by Sen. MORSE excluding all Oregon streams from the wild rivers system; withdrawn at p. 587, Jan. 18, 1966.

⁹ CONGRESSIONAL RECORD (Jan. 18, 1966). At p. 587, amendment by Sen. CHURCH reducing a 75 percent public land limitation prohibiting condemnation of private lands to a 50 percent limitation; agreed to at p. 587. And at p. 587, amendment by Sen. CHURCH concerning Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands; agreed to at p. 588. And at p. 588, an amendment by Sen. MORSE adding the word "zoning"; agreed to at p. 588.

¹⁰ CONGRESSIONAL RECORD, p. 600 (Jan. 18, 1966).

tem. The System is to be jointly administered by the Secretaries of Interior and Agriculture in a manner that has been patterned after the Wilderness Act of 1964.¹¹ Under Section 3(a) of the bill, "the instant section," five rivers are listed for immediate inclusion in the national system. These include the Salmon and the Clearwater of Idaho, the Rouge of Oregon, the Rio Grande of New Mexico, and the Eleven Point of Missouri. The Upper Green River of Wyoming is included, along with ten other named rivers, under Section 3(b) of the bill contemplating that the rivers in this so-called "study section" will be added to the national system upon the recommendation of the President to Congress following "consultation" between the Secretaries of Interior and Agriculture and the Governors of the various states within which the rivers lie.

In terms of "public" water law, the largest "tooth" in the measure as it is presently written, is found in Section 5(a) which prohibits the authorization by the Federal Power Commission of any dam or project work under the Federal Power Act¹² in any wild river area except as specifically authorized by Congress.

Nothing in the bill affects the applicability of federal mining and mineral leasing laws except that any claims located or patents issued will be subject to regulations prescribed by the appropriate Secretary in order "to effectuate the purposes of this Act." (Section 5(b).) In case that any wild rivers area is established within a designated Wilderness Area under the National Wilderness Preservation System,¹³ the more restrictive provisions of the respective acts will apply.

In the private sector, however, federal condemnation of private lands extending three hundred feet on either side of the stream is authorized by the bill with the caveat under Section 4(c) that no condemnation will be allowed when over 50 percent of the acreage or streambank within the entire wild river area is owned by Federal, State, or local governmental agencies.¹⁴ This limitation does not apply, however, to the acquisition of scenic easements.

This is the first time that the concept of "scenic easements" has been written into federal legislation and its meaning or the manner in which such a concept will be administered is not at all clear. Section 4(f) of the bill simply limits the easement, which may be acquired by condemnation, to an area which extends no more than 1320 feet from either side of the stream. Section 4(c) of the bill does state: "As used in this Act the term 'scenic easement' means the right to control the land (including the air space above such land) for the purpose of protecting the scenic view from the river for the purpose of this Act, but such control shall not affect any regular use exercised prior to the acquisition of the easement."

Section 5(h) of the bill provides: "Designation of any stream or portion thereof shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes."

However, it is to be noted that the bill states in Section 2(b) that a wild river is one which "... should be left in its free-flowing condition, or that should be restored to such condition. . ." In any given case where fu-

ture private appropriations are sought from wild river water, either above or within a designated area, this language may be easily construed by the administrators of the system to mean "undiminished condition." In this regard, Senator CHURCH said, "[T]he bill contemplates maintaining the water in the natural bed of the streams . . . so that the river can be preserved in its pristine, free-flowing and natural state."¹⁵ And on this basis such attempted future appropriations would probably be prohibited after passage of the Act.

Senator ALLOTT, in introducing his Amendment No. 475,¹⁶ addressed himself to a related problem—that of federal taking of vested water rights perfected prior to the Act. He notes particularly the wording of Section 5(d) of the reported bill:

"(d) The jurisdiction of the States and the United States over waters of any stream included in a wild river area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the Wild Rivers System shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws."

The second sentence of this section obviously implies the granting of a federal condemnation power as to water rights and Senator ALLOTT poses the problems which are bound to arise in a time of shortage, namely—the condemnation of a prior upstream vested water right (that has been appropriated for "beneficial" consumptive use under state law) in order that the wild river stream flow might continue undiminished in accordance with the purposes of the Act. Such condemnation would give preference to a recreational or conservational water use by the Federal Government in direct contradiction to the preferences established under state law.¹⁷ Indeed, if the Federal Government were to assert the superiority of a recreational use for the waters of a wild river in a state such as Colorado, it would do so in opposition to Colorado's leading case on the subject.¹⁸

And yet, the Wild Rivers Bill seems to have done just that. Such a view is strengthened by the fact that the Senate, in adopting the bill, rejected Amendment No. 475 as proposed by Senator ALLOTT.

The Senator said of his amendment before its rejection: "I have submitted this amendment to clear the matter up and to make it crystal clear that the Federal Government cannot by this act come in and usurp water which has already been placed to a consumptive, beneficial use, and which is now being used, and on which persons and residents of that State have already perfected their property rights."¹⁹

His proposed amendment would have read as follows:

"(i) Other provisions of this Act notwithstanding, whenever either Secretary shall reserve any portion of the waters of a stream

¹⁵ CONGRESSIONAL RECORD, p. 501 (Jan. 17, 1966). Remarks of Senator CHURCH.

¹⁶ See *op. cit. supra* note 7.

¹⁷ See Wyo. Comp. Stat. sec. 71-401 (1945) for the definitions of applications for beneficial use. See also, *Trelease, The Concept of Reasonable Beneficial Use in the Source of Surface Streams*, 12 Wyo. L.J. 1 (1956).

¹⁸ *Empire Water and Power Co. v. Cascade Town Co.*, 205 Fed. 123 (C.C.A., 8 Cir., 1913).

¹⁹ CONGRESSIONAL RECORD, p. 246 (Jan. 14, 1966). Remarks of Senator ALLOTT.

¹¹ 78 Stat. 890 (1964), 16 U.S.C. Secs. 1131-36 (1964).

¹² 41 Stat. 1063, as amended, 16 U.S.C. sec. 791a et seq.

¹³ See *op. cit. supra* note 11.

¹⁴ Cf., first floor amendment made by Senator CHURCH, *op. cit. supra* note 9.

for the purpose of this Act he shall comply with the laws of the State with respect to water and water rights, and any rights perfected under the applicable State laws shall be subject to State law with respect to the allocation of waters in years of shortage."²⁰

It is assumed that such compliance with State law will not now be required by the administrators of the national wild rivers system. This brings us to the second part of our inquiry; namely, the present status of water law with respect to Federal-State relations.

SECOND: WATER LAW

The key to current legislative thought with respect to Federal-State relations is to be found when one compares Senator ALLOTT's rejected amendment with an amendment proposed by Senator KUCHEL and accepted by the Senate.²¹ This latter amendment, to which Senator ALLOTT strenuously objected,²² reads as follows:

"The jurisdiction of the States over waters of any stream included in a wild river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration."²³

The following colloquy occurred with regard to this amendment:

"Mr. MORSE. I assume that it is clear now in the legislative history that has been made that the purpose of the amendment of the Senator from California, particularly with reference to the Federal Government is that no change is contemplated under the bill with respect to the water rights of the states. I believe that the Senator from California has made it clear that it seeks the preservation of the status quo * * * .

"My next question is this: Does the Senator from California, through his amendment, intend in any degree whatever to stop the Federal Government from bringing to issue any controversy that the Federal Government may have with any State in respect to claims dealing with water rights as between a State and the Federal Government, which may be in conflict or in dispute?

"Mr. KUCHEL. Not at all."²⁴

Thus, it seems clear that the Senate, in this instance under the leadership of Senator KUCHEL, has expressed its intent that the proposed Wild Rivers Act should in no way inhibit the vigorous efforts in the last two decades on the part of the Federal Government to assume jurisdiction and proprietorship over all the nation's unappropriated waters.²⁵ In fact, as we have seen, the bill, by virtually prescribing recreational and conservational purposes as "beneficial

use," contributes greatly to the cause of water "Federalism."

The Interior Department's position with respect to the amendments just compared sets out the case for such Federalism plainly.²⁶ The Department makes these basic points. First; "The enactment of the bill is itself a reservation of the water needed to carry out its purposes." Therefore no affirmative action is required or permitted by the Secretary to acquire any water under State law. Next; Since most state laws do not provide for the appropriation of water for the purposes of maintaining the natural flow of a stream, it would be impossible for the Act to comply with such laws. And third: "It is settled law (presumably on the basis of the 'Pelton Dam' case)²⁷ that Federal legislation authorizing Federal lands to be used for a particular purpose reserves sufficient unappropriated water flowing through the Federal lands to accomplish that purpose."

Such declarations made by the Department of Interior and tacitly conceded by the Senate have a most unpleasant sound to those who would still contend that the western states have ownership, by virtue of their constitutions²⁸ or otherwise,²⁹ and regulatory powers over the unappropriated water within their boundaries.³⁰ Such arguments for states' rights to water as might have been made before the implications of *Arizona v. California*³¹ had been fully felt now appear outdated. With such legislation as "Wild Rivers" on today's Congressional scene, the doctrinaire disputes over water ownership and questions of the source of Federal power are rapidly evaporating into thin air. Thus, Governor Hansen's call is urgent to those western states that hope to derive some commercial benefit from their water—Now, let's either "Use it or Lose it."

WYOMING IS PROUD OF ITS WATER LEADERS

Mr. SIMPSON. Mr. President, also in this session of Congress the House has been considering legislation encompassed in H.R. 4671 known variously as the central Arizona project bill or the Lower Colorado River Basin project bill. As we all know, that bill is now dead for this session of Congress, but it will undoubtedly be reintroduced in the next session of Congress, and it is therefore of great importance to Wyoming that the record be set straight with respect to it. In 1922 an interstate compact was signed by Wyoming, Utah, Colorado, Arizona,

²⁰ CONGRESSIONAL RECORD, p. 433, Jan. 17, 1966. Sen. CHURCH reading from Interior Department's reply.

²¹ Federal Power Commission v. Oregon, 349 U.S. 435 (1955). For a discussion of the supposed ominous repercussions of that highly publicized case see Sato, Water Resources—Comments Upon the Federal State Relationship, 48 Calif. L. R. 43 (1960).

²² Wyoming Constitution, Art. VIII, Sec. 1.

²³ See generally Sax, Water Law; Cases and Commentary (1965), Chap. XI.

²⁴ CONGRESSIONAL RECORD, p. 247, Jan. 14, 1966. Remarks of Sen. ALLOTT. "We in Colorado feel, as do most Westerners, that the administration of the water belongs to the State, and that if the Federal Government wants to acquire title to or use the water, as would be the case under this bill, it should comply with the laws of the State, as any other person would have to do."

²⁵ 373 U.S. 546 (1963). See generally, *Trelease v. California*; Allocation of Water Resources to People, States and Nations. The Supreme Court Review 156 (1963).

and New Mexico which allocated waters of the upper Colorado River between these various upper basin States. Wyoming has never used its full share of the waters allocated and under the terms of the central Arizona project bill a portion of Wyoming's presently unused water would have been released temporarily to Arizona, California, and other lower basin States. In considering these provisions Wyoming was, indeed, fortunate to have the benefit of capable leaders in the person of Gov. Cliff Hansen and the many excellent officers of the State who have stood behind him. These leaders foresaw the inherent danger in the central Arizona project bill as it was being considered by the House last summer and indicated their disapproval of the bill unless sufficient safeguards were written into the legislation that would have assured Wyoming's right to use its full share of allocated water when such water was needed by the State. These safeguards were never provided by those attempting passage of the bill here in Congress and the leaders from Wyoming were perfectly correct when they then withdrew their support for the project.

I ask unanimous consent that the comments of Governor Hansen, appearing October 16 in the Casper State Tribune, be printed at this point in the RECORD.

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

LEGISLATORS' WATER CONCERN

(By Gov. Clifford Hansen)

Wyoming's past has been written in the language of water. Historically the emphasis on types and amounts of water used has gradually changed, but throughout our history water has remained a controlling factor in the state's development.

Six interstate compacts control the division of the waters of the major interstate streams between Wyoming and the downstream states. Those Wyoming statesmen who carefully and skillfully negotiated these compacts in years past secured to Wyoming a supply of water surplus to immediate needs. It is vital that we protect and maintain both our right and our ability to use this water which is the cornerstone of our future development. While the interstate compacts provide assurance of our future rights to use water, the exercise of these rights through actual application of the water to beneficial use must be pursued diligently.

If constructed as proposed, the Central Arizona Project would divert approximately one and one-quarter million acre-feet of water per year from the Colorado River. Over one-third of this requirement would have to be "borrowed" from Wyoming's entitlement to Colorado River water. This is water which Wyoming is not now using. The ultimate problem is how the "borrowed" water will ever be recovered for use in Wyoming.

The future situation, if the Central Arizona Project is constructed, will be that of a vast project in Arizona which is heavily dependent on the use of Wyoming water. The economic impact will have been felt. Many Arizonans will be using this water to produce their livelihood.

Under such circumstances, is it reasonable to suppose that Arizona or any of the Lower Basin States will look kindly upon

²⁰ CONGRESSIONAL RECORD, p. 246 (Jan. 14, 1966).

²¹ CONGRESSIONAL RECORD, p. 502 (Jan. 17, 1966).

²² CONGRESSIONAL RECORD, p. 246 (Jan. 14, 1966). Remarks by Senator ALLOTT.

²³ CONGRESSIONAL RECORD, p. 501 (Jan. 17, 1966).

²⁴ CONGRESSIONAL RECORD, p. 432, Jan. 17, 1966. Remarks of Senators MORSE, and KUCHEL. For a more complete exposure of Senator KUCHEL's views, see his excellent comments (CONGRESSIONAL RECORD, Mar. 29, 1965) concerning water rights legislation proposed by him (S. 1636, 89th Con., 1st sess.). That bill would clarify existing law in the following areas: Effect of reservations and withdrawals; rights claimed by the United States under State law; compensability; condemnation; and preservation of existing laws.

²⁵ See generally, Goldberg, Interposition—Wild West Water Style, 17 Stanford L. R. 1, 1964.

the return of this water to Wyoming? I think it is obvious they would not.

The reality of the situation is that Wyoming's only feasible system of utilizing this water requires complex and expensive works. The historic pattern of the development of such works in the western United States for the past 60 years involves a dependence upon the federal government in whole or in part for planning and financing. Beyond the legal certainty of Wyoming's right to the water lies the practical question of how we could ever hope to get the necessary Congressional approval for future Wyoming projects which would return the "borrowed" water from downstream projects such as the Central Arizona Project.

Future growth and development of Wyoming is heavily dependent upon the available water supply. The highest responsibility of all public officials concerned should be to preserve this vital resource which was secured for Wyoming by our predecessors. We cannot permit our water to be bartered away for political expediency or any other reason. This effort is certainly one that transcends partisan political considerations.

A seer may be needed to predict the future use of Wyoming's water with any degree of exactitude, but it requires only sage men to perceive the magnitude of that future and to preserve the resource for the state.

Mr. SIMPSON. Mr. President, the central Arizona project bill will be reintroduced in the next Congress, and once again Wyoming must look to her leaders for vigilant protection of that State's future interests. Once again the effectiveness of Wyoming's elected leaders will be put to the test. They have done well in the past, and I am confident that they have the vision and the strength to do well again.

NOMINATION OF WILLIAM BENTON AS U.S. REPRESENTATIVE TO UNESCO

Mr. DODD. Mr. President, as a citizen of Connecticut, I take pride and satisfaction in the fact that the Senate Foreign Relations Committee this morning reported favorably on the nomination of my old friend and colleague, William Benton, as U.S. representative to UNESCO.

Bill Benton's name and his record are so well known to the Members of the Senate that I am confident his confirmation will be voted unanimously. But I do want, nevertheless, to say a few words about his unique qualifications for the post to which he is now assigned.

Former Senator Benton is a man of many and varied accomplishments. Among other things, he has served as chairman of the board of Encyclopaedia Britannica for almost two decades. The position is profoundly suggestive of the scope of his interests and activities. For Bill Benton is truly a man of encyclopedic compass. Indeed, he is almost a throw-back to the Renaissance man who was a scholar in every area and a practitioner in many areas, and who could do everything he attempted well.

He has served as vice president of the University of Chicago, as an Assistant Secretary of State, as a U.S. Senator, as vice chairman of the U.S. Commission for

Inter-American Development, as a member of the Advisory Committee on Arts, and as the U.S. member of the Executive Board of UNESCO from 1963 to date.

I consider William Benton a great American patriot and a true citizen of the world community of culture and knowledge. The United States could not possibly have a better representative in UNESCO.

SENATOR ROSS BASS OF TENNESSEE

Mr. STENNIS. Mr. President, I sincerely regret to see our friend and my neighbor, Ross Bass, leave the Senate. In his services here he has made many friends. He is genial by nature and active in his work. I have learned to appreciate him and his fine personality.

Certainly my good wishes go with him for many years of happiness and usefulness in the years ahead, and I hope that our paths will continue to cross as the years come and go.

SENATOR DIRKSEN'S REPLY TO PRESIDENT JOHNSON

Mr. SIMPSON. Mr. President, I ask unanimous consent to have printed in the RECORD an excellent editorial published in the Wyoming State Tribune on October 17, 1966. I think that the comments of the Senator from Illinois [Mr. DIRKSEN], as reflected here, help to put in proper context some of the events of recent days.

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

DIRKSEN'S REPLY TO JOHNSON

The state of poverty in which President Johnson finds himself in his defense against his chief critics, the Republican party, is illustrated no better than his charge that the GOP is the "party of fear."

The Republicans might well say that Mr. Johnson tried his campaign gimmick once before. Only in 1964 there was something of a reverse twist to the trick.

Two years ago Mr. Johnson and the Democratic party's high command were embarked on a strategy that aimed at describing the Republicans, or at least their presidential standard-bearer, as the party to be feared.

The GOP, ran the pro-Johnson campaign theme, were dangerous people because they would get us into war, among other troubles. All sorts of dire things would happen to the country, according to this thesis.

History now exposes this trickery for what it was. It is interesting that "fear" once again is being used in connection with a national campaign, only this time the implication is that the Republicans are afraid of the future, particularly one under the flapping banners of the Great Society.

This strategem worked in 1964, but it will not work in 1966 because not only are Republicans concerned, worried, disturbed and fearful about the future but so are Democrats and independents all across the land.

To the President's charge of "fear" Senator DIRKSEN, the Republican minority leader in the Senate, retorted: "Is the President bewildered? Was he referring to his administration? His statements actually spell out the most damning self-indictment in modern political history."

Refuting the Johnson statement and flatly describing it as untrue, DIRKSEN said: "We do not admit to being a party of fear. An honest reading of history will prove the contrary. But we do admit as a people, to being concerned about this administration and the many unwise courses it has chosen to take."

DIRKSEN said that what lies ahead in Viet Nam under Johnson's administration cannot be foreseen, and that the Republican leadership truly is concerned about high and rising living costs in the face of which the administration has been helpless.

"We are concerned—indeed, we know—we are losing our money and our friends abroad," said DIRKSEN. "We are concerned—for it is a fact—that the 'War on Poverty' is being lost, with the poor and the underprivileged receiving little actual help, and with millions of the people's dollars being wasted.

"We are concerned—for we can prove—that the farmer and consumer are, calculatingly, being played against one another. We are concerned—for the proof is undeniable—that an echo-chamber Democratic Congress, with its steam-roller majorities, will continue, without thought or question, to carry out the slightest whims of this administration.

"We are concerned—for the signs are frightening—that we are being led down the road to national bankruptcy. We are concerned that an all-Asian Peace Conference—a practical first step toward peace in Viet Nam—now has been summarily rejected as a peace hope.

"We are concerned—for we are convinced—that the American people are not being told the whole truth about their government and this administration's plans for them."

Mr. Johnson's charge that the Republican party has no constructive programs or policies to offer the people, said old Ev DIRKSEN, indicates that the Administration from its very first days has been blind, deaf and indifferent. Then he proceeded to tick off a list of Republican proposals dealing with everything with strategy in Vietnam to balance of payments; and to all of these recommendations and suggestions, said Senator DIRKSEN, the Johnson administration has been indifferent.

Said DIRKSEN: "When the President chooses to speak directly and candidly to the American people, the Republican leadership and the Republican party will be attentive and responsive, but when the President chooses to do otherwise we are indeed apprehensive and concerned. We hope—we pray—that in the weeks to come we will witness administration deeds calculated to inspire faith, not fear; belief, not doubt; confidence, not concern; hope, and not despair."

THE BOBBY BAKER CASE

Mr. CASE. Mr. President, more than 2½ years have passed since Bobby Baker, former Senate secretary to the majority, resigned his high public position to avoid facing public scrutiny of his financial and business dealings. Repeated reports in the press during 1963 finally prodded a reluctant Senate into directing the Rules Committee to investigate Baker's activities.

The committee inquiry was a half-hearted, off-again-on-again affair. Nevertheless, in the course of hearings held in March 1964, it became clear beyond question that Bobby Baker had used his Senate office to advance his personal, financial, and business interests. The committee could not avoid the conclusion that Baker was "guilty of many

gross improprieties," and his conduct was "inimical to the public welfare."

One of the committee's recommendations called for review by the Justice Department of all information gathered in the investigation, to determine whether criminal action was warranted.

Several months passed, when press reports of additional instances of Baker's misconduct in office forced a reopening of the Rules Committee inquiry. The ensuing inquiry conducted by the committee led to further findings that in several instances Baker had "used the influence of his public office to feather his own nest." Concerning legislation in which ocean-freight forwarders had a vital interest, the committee stated:

This case furnished evidence of the most flagrant of all Baker's activities in the use of his office and the prestige of his position for his personal financial profit . . . it justifies careful consideration looking to an indictment for violation of the conflict-of-interest statutes. The boldness with which Baker and Weiner acted also illustrates how unrestrained and unpunished wrongdoing can grow and flourish in places where high standards of morality and ethics should prevail.

Even before the Baker investigation was reopened, I had suggested to the Department of Justice in July of 1964 that civil suit could be instituted by the Attorney General of the United States to require an accounting of any profits which Bobby Baker may have reaped through the use of his office. My proposal was well received in legal circles. But not by the Department of Justice. To this day, the Justice Department has yet to comment on the merits of my proposal for a civil suit.

For many months its only reply to my inquiries was to point out that Baker's activities were being considered by a Federal grand jury.

The grand jury finally reported, and it did, indeed, indict Bobby Baker. However, as many have noted, the criminal indictment, limited chiefly to charges of tax evasion and larceny, bears little semblance to the allegations of corruption and abuse of his office made before the Senate Rules Committee. Trial of the case has been postponed.

I suggest that, quite apart from the trial on the criminal indictment, the Baker case is still unfinished business.

I again renew my request that the Department of Justice institute a civil suit to recover on behalf of the United States any profits which Baker made out of the use of his office. Civil action is peculiarly appropriate in the circumstances of the Baker case. The institution of such a suit would serve as a warning to others. To take the profit out of misuse of office is far and away the most effective deterrent to abuse of public trust.

Actions can be unlawful without being violations of a criminal statute. If Bobby Baker used his public position and influence for personal gain or that of his family, his friends, or his associates, his conduct was unlawful, and a legal remedy exists, apart from criminal action.

Bobby Baker can be compelled in a civil action to pay over to the United States every penny he has made through the use of his influence and the prestige of his office.

Public office is a public trust. This is a maxim that has its roots in the Biblical injunction that no man can serve two masters. Every Member of this body, I am sure, regards himself as a fiduciary to the people of the Nation and to the Nation itself. We are all accountable, in the fullest sense, to the public.

The Rules Committee in its recommendations recognized this, saying:

There is always a need for any public official—from the highest to the lowest—to conduct himself in a manner beyond question. As Government grows more complicated and more sensitive to the needs of the public, this becomes more and more abundantly clear that those who serve the public must recognize that their office is a public trust and should not be compromised by private interests.

The accountability of a government official for breach of his fiduciary duty is well recognized by the courts.

In my memorandum of July 1964, I cited several cases, among them the English case of *Reading v. Attorney General* (1951) A.C. 507, and the American case of *U.S. v. Drumm*, 329 F. 2d 109 (1st Cir. 1964).

In my own state of New Jersey, the courts have spoken out clearly in *Driscoll v. Burlington Bristol Bridge Co.*, 8 N.J. 433, 86 A. 2d 201 (1952) and *Jersey City v. Hague*, 18 N.J. 584, 115 A. 2d 8 (1955). In the Burlington Bristol Bridge case, the Governor and others were permitted recovery on the theory of constructive trust against active members of a bridge syndicate who had benefited as a result of the improper conduct of the county bridge commission which had failed to exercise good faith free from corrupting influence in executing contracts of sale for two bridges. In the second case, citing other State court decisions in support, the court held that the city could institute a civil proceeding against its former officials to recover money allegedly extorted from city employees as a condition to obtaining or retaining employment. The court noted that where the actions of public officials are "inimical to and inconsistent with the public interest," they are not only deserving of public censure, but the transactions which they have consummated are contrary to public policy, illegal, and should be set aside.

All of these cases recognize the principle of civil accountability, as a remedy for breach of fiduciary responsibility by persons holding public positions or positions affected with a public interest.

Bobby Baker held a position of public trust. The influence and prestige which went with his position as a fiduciary was not his personal property. They were not his to sell or barter or otherwise compromise.

More than 2 years have passed since I first proposed a civil suit to recover Baker's ill-gotten gains. There has been no indication that the Department

of Justice has ever considered the suggestion on its merits. The Department has been inexcusably lax, I believe, in its sole and exclusive reliance on criminal action. If it is truly minded to proceed vigorously against the abuse of public office, it would have long since moved along the lines I have proposed. Its failure to do so gives credence to the widespread belief that it is uninterested—for whatever reasons—in pursuing this flagrant abuse of official position. Thus the Department itself contributes to the undermining of public confidence in the integrity of government.

A CORRECTIONAL HOME FOR A SCHOOL LABORATORY—ADDRESS DELIVERED BY SENATOR BYRD OF WEST VIRGINIA

Mr. STENNIS. Mr. President, a valuable and worthwhile speech delivered by our colleague and friend from West Virginia [Mr. BYRD] entitled "A Correctional Home for a School Laboratory" appeared in the October 1966 edition of the West Virginia School Journal which is the official journal of the West Virginia Education Association.

I ask unanimous consent to have it printed in the RECORD.

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

A CORRECTIONAL HOME FOR A SCHOOL LABORATORY

(By U.S. Senator ROBERT C. BYRD)

It may be one of the major ironies of our highly-advanced 20th Century American society that a correctional home for juvenile boys, now under construction at Morgantown could possibly become an outstanding laboratory in the field of education.

That is the optimistic view of many U.S. Department of Justice planners for the new \$9 million National Training School for Boys which is due to be opened in 1968 on a 340-acre site near the campus of West Virginia University.

They speak of the school in terms of its becoming a "model showcase" in the rehabilitation of young boys who have had conflicts with the law. I am most pleased to learn that the major emphasis in the program of rehabilitation at the school will be on education—both for the basic skills to prepare one to be a useful citizen in our democracy and vocational talents to serve individual economic needs.

It is interesting to me—since I place extremely high value on education—that some of our country's best qualified school planners should look upon these young boys, from all levels of family income, sentenced to a correctional home, as material for experiments in learning. Could it be that they expect great motivation from these boys, less interference from glamorous detractions of the outside world, and more success from small-group sessions? If these are the reasons, they should be given our support, for to equip a young man with the skills to make a useful life is, in my opinion, to start him on the road to a happy life.

WHAT THE "SCHOOL" LOOKS LIKE

Let me tell you a little bit about the school. It will represent a pioneer approach by the Federal Government in rehabilitating a good percentage of our nation's youthful offenders. It will be located on a campus shaded with

towering elm and hemlock trees; and it will be equipped with all the facilities which are usually associated with the free hours of young boys of the age group 16 through 19.

There are some people who believe the National Training School will look more like a prep school than a correctional institution.

It will be made up of seven separate housing units to accommodate a maximum enrollment of about 350 boys. To serve the boys, the Department of Justice has provided for the construction of a junior high school, a senior high school, a chapel, and a clinical center as well as an outdoor recreational area on the campus.

Library facilities, a hobby shop and gymnasium will compose an activity complex which will serve as the central core of a community square. Vocational training shops and the laundry will be located within the square but outside the center of the principal circulation.

I have been asked several times why \$9 million is being spent for boys who have, heretofore, lacked respect for the law. My answer is that they must someday be returned to society, and the investment made in their care at this time may possibly be returned in the future in better lives for themselves and for others who come into contact with them.

URGED LOCATION IN STATE

As a member of the Senate Appropriations Subcommittee which votes funds for the U.S. Office of Education, I have been pleased to lend my support to new school legislation. And as chairman of the Senate Subcommittee which appropriates funds for the municipal government of the District of Columbia, I found four years ago that the existing National Training School was in a state of physical disrepair, taxing both the educational and rehabilitation programs in use. I urged the late President John F. Kennedy that a site somewhere near West Virginia University be considered as its new home. In August, 1962, the President agreed to my request and since then the plans for its development have moved at a swift pace.

For the boys to be assigned there, about two-thirds are received under sentences for violation of the Federal Juvenile Delinquency Act. The average age is 17 years, and they will come for such offenses as car theft, mail theft, forgery, and other crimes involving property.

It has been found that the boys are generally products of disrupting experience, of neglect, conflicts of loyalty, of erroneous thinking, both by themselves and by others who have influenced their lives, and of family breakdown, with all its hardships, such as a lack of adequate supervision and direction.

As in similar situations elsewhere, each boy will be interviewed by counselors to diagnose the trouble areas, to rank him for educational and vocational training and to group him with other boys of equal abilities. Then the training will begin. If his primary interests are vocational, there will be instructors and equipment to teach him all phases of automobile maintenance and repair, and other instructors for electrical installation and repair, and metal, painting, plumbing and the many associated phases of construction.

Cooking and baking, laundry work, farm and landscape work are other activities to be offered. Some boys will study the trades of shoe repair and barbering. Several will be trained in operating data processing machines—an ever-expanding field for young people.

TO BE CLOSELY OBSERVED

These vocational classes and those that I shall write about now will comprise the

"educational laboratory" experiments which will be closely observed. It is extremely fortunate, and perhaps one of the reasons why the school was located at Morgantown, that instructors and graduate students from West Virginia University will be within walking distance to assist in the educational programs. One of the key experiments will be a project named CASE which carries a more impressive title in full—Contingencies Applicable to Special Education.

Developed by the Institute of Behavioral Research at Silver Spring, Maryland, under a grant from the Office of Juvenile Delinquency and Youth Development of the Department of Health, Education, and Welfare, it was launched at the National Training School in the District of Columbia in February, 1965. It was begun as a 210-minute daily experiment in motivation for youngsters and was expanded into a 24-hour program in November, 1965, for 28 youngsters and will be transferred with the student body to the new campus.

Its success is told in a report by Harold L. Cohen at the Washington campus that several youngsters have been able to complete two and one-half years of school in only four months. The 28 juveniles enrolled in this project are averaging more than a year's educational growth in an 18-week period.

HOW THE PROGRAM WILL WORK

The program operates on a merit system for voluntary study and development. Points are given to students for successful work, I am told, and a copper penny is presented for each point. It is my understanding that they may earn as much as \$40 in one week. The boys pay for their own private rooms, their own food, their recreation, their books, their toiletries, their schooling, and decorations for their rooms.

As may be expected, many of these boys have been only slightly intellectually stimulated, but their performances in the CASE project have been rated by the staff members as "nothing less than phenomenal."

The CASE staff, as educational researchers, has as its interest, the measurement of behavior and increased learning through environmental procedures. One special cottage at the new school has been set aside for the 28 boys in the project. The philosophy of the program is based on the belief of the counselors that a "well-designed environment can, by offering selected and well-designed choices, help direct the behavior of the students to those academic and social goals which are necessary for successful participation in our democratic society."

Students in the program are employed as Student Educational Researchers. They are placed on different levels—apprentice 1, apprentice 2, 3, 4, et cetera—according to their educational backgrounds. Each level receives a specific base pay of \$10, \$15, or more per week. After qualifying for this base pay by achieving 90 percent correct responses to examinations, and upon completing a certain proportion of hours of work, the student can earn additional pay for doing extra educational and vocational work during his lecture time and through other outlined methods.

I am told that the program will endeavor to duplicate within the special cottage an environment designed to approximate a standard American society where each must earn the right to participate. Studies of the CASE project showed that inmates prefer to buy their own clothing, food, soap, toothpaste, and other personal items rather than be dependent upon, what the staff calls, a welfare society, which exists in conventional institutions where residents are provided three meals a day, dormitory styled sleeping quarters, and institutional clothing.

The student-participant is not required to work, but, if he does not, he must manage on his meager sums. The rewards of the CASE project are, therefore, quite similar to those in the "outside" society; and lack of initiative penalizes in CASE much as it does "outside." The project therefore, is dedicated to finding the best means of preparing youngsters to successfully participate in our American society by duplicating that society as nearly as is possible and by seeking the best guidance principles through research and imagination.

The youngsters assigned to the school will be in the critical development period of their lives; most of them will be from 14 to 17 years of age, a time when the transition from boy to man must be a guided one. I believe that their minds are most open to proper direction at this time, and education appears to be the soundest approach to reaching them. I, as well as law enforcement officials around the nation, will be watching the success of the National Training School for Boys.

FOOD FOR PEACE LEGISLATION— THE EXPLOSIVE POPULATION GROWTH MAKES SUPPORT FOR FAMILY PLANNING PROGRAMS IMPERATIVE

Mr. YARBOROUGH. Mr. President, I wish to commend all the members of the Senate and House Committees on Agriculture and Forestry for their wisdom in recognizing and doing something about a problem so immense that it staggers the imagination. I am speaking of the population explosion.

Just to consider the study of a few years back by the United Nations requires a strong constitution and a suspension of disbelief. The U.N. study found that if the present trend of population growth continues, the population of the world will reach 7.4 billion by the year 2000. This is a gain of 4.1 billion people in 35 years. It exceeds the present world population of 3.3 billion by nearly a billion people. And over 85 percent of the population increase will be in the high birth rate, low productivity countries of Asia, Africa and Latin America.

To allow such a thing to happen would be a sheer unmitigated calamity.

The food for peace bill will allow the funds which accrue in foreign countries from the sale of agricultural commodities for foreign currencies, to be used for financing, at the request of a foreign country, "programs emphasizing maternal welfare, child health and nutrition, and activities, where participation is voluntary, related to the problems of population growth." This is only a beginning, but it is an important beginning. I am proud to have been able to offer this provision as a Senate amendment. The distinguished Senators GRUENING, TYDINGS, and METCALF were my cosponsors.

Congressman PAUL TOND, JR., sponsored a similar amendment in the House, which was adopted in that body.

But today most credit should go to the distinguished Senator from Alaska [Mr. GRUENING]. The hearings which he has been conducting for the past 2 years have brought the population explosion problem home to the American

people. The American people are waking up to the enormity of the problem and the disaster which awaits us unless we take effective action. Unless we act now, all the things we have worked for, all the advances of civilization, will have gone for naught.

Mr. President, I also wish to voice my support for the whole food for peace

program. This bill improves it in many ways, especially by removing the surplus requirements, and by emphasizing self help.

It is morally right that America share her bounty with the starving multitudes of the world. Further, we work toward world peace when we take steps to reduce the ever-growing gap between the rich nations and the poor nations. There

can never be stability so long as so much of the world cannot feed itself.

I ask unanimous consent to insert in the RECORD a compilation entitled "Population Information for 129 Countries," compiled by the Population Reference Bureau.

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

World population data sheet*—Population information for 129 countries

Continent and country	Population estimates, mid-1964 (millions)	Annual rate of increase since 1958 (percent)	Birth rate per 1,000 population (latest†)	Death rate per 1,000 population (latest†)	Population projections, 1980 (millions‡)	Continent and country	Population estimates, mid-1964 (millions)	Annual rate of increase since 1958 (percent)	Birth rate per 1,000 population (latest†)	Death rate per 1,000 population (latest†)	Population projections, 1980 (millions‡)	
Africa:						East Asia:						
<i>Northern Africa:</i>			(45.0)	(22.0)		China (Mainland)	690.0	2.1		(42.0)	(19.0)	840.0
Algeria	12.0	2.1	45-49.0		19.5	China (Taiwan)	12.1	3.6	36.3	6.1	17.2	
Ethiopia	21.0				29.0	<i>Hong Kong</i>	3.8	4.5	32.1	5.5	5.5	
Libya	1.3	1.9			1.9	Japan	96.8	.9	17.2	7.0	111.1	
Morocco	13.1	3.0			22.4	Korea, North	10.7				15.4	
Somalia	2.3				2.9	Korea, South	28.0	3.3	39-43.0	11-13.0	43.4	
Sudan	13.2	2.8	50-56.0		19.3	Mongolia	1.1	3.1			1.7	
Tunisia	4.7	1.4	45-49.0	25-27.0	6.5	America:						
United Arab Republic (Egypt)	28.7	2.6	40-44.0	22-24.0	46.8	<i>Northern America:</i>						
<i>Tropical and southern Africa:</i>			(47.0)	(24.0)		Canada	19.3	2.1	24.8	7.8	26.3	
Angola	5.1	2.1			6.0	United States	192.1	1.6	21.6	9.6	240.9	
Burundi	2.7				4.2	<i>Middle America:</i>						
Cameroon	4.6	1.9	36-44.0	24-30.0	5.4	Costa Rica	1.4	4.3	49.9	8.5	2.4	
Central African Republic	1.3	1.9	39-47.0	26-32.0	1.6	Cuba	7.3	2.0	30-34.0	9-13.0	10.0	
Chad	2.8	1.1	44-52.0	25-31.0	3.8	Dominican Republic	3.5	3.6	48-54.0	16-20.0	6.2	
Congo (Brazzaville)	.9	1.3			1.1	El Salvador	2.8	3.6	48.6	10.8	4.6	
Congo (Leopoldville)	15.4	2.4	40-46.0		21.5	Guatemala	4.2	3.2	47.7	17.3	6.9	
Dahomey	2.3	2.3	45-53.0	20-26.0	3.0	Haiti	4.5	2.2			6.9	
Gabon	.5	2.1			.5	Honduras	2.1	3.0	45-50.0	15-20.0	3.7	
Ghana	7.5	2.7	48-54.0		12.3	Jamaica	1.7	1.5	39.6	9.1	2.1	
Guinea	3.5	3.0	53-57.0	33-35.0	5.0	Mexico	39.6	3.1	45.0	10.4	70.8	
Ivory Coast	3.7	2.2	49-55.0	39-37.0	5.0	Nicaragua	1.6	3.5	45-52.0	12-17.0	2.8	
Kenya	91.0	2.9	46-54.0		13.6	Panama	1.2	3.3	40.1		2.0	
Liberia	1.0				1.2	Puerto Rico	2.6	1.7	30.9	6.9	3.1	
Madagascar	6.1	2.8	43-49.0	17-21.0	7.6	Trinidad and Tobago	.9	3.2	35.6	7.3	1.5	
Malawi	3.8	2.1			6.1	<i>South America:</i>						
Mali	4.5	2.1	55-63.0	26-32.0	6.4	Argentina	21.7	1.6	21.8	7.9	29.0	
Mauritania	1.0					Bolivia	3.7	1.5	41-45.0	20-25.0	6.0	
Mauritius	.7	3.1	39.9	9.7	1.1	Brazil	79.8	3.0	43-47.0	11-16.0	123.7	
Mozambique	6.9	2.0			9.1	British Guiana	.6	3.0	42.3	7.9	1.0	
Niger	3.2	3.0	49-57.0	24-30.0	4.5	Chile	8.4	2.4	34.2	11.8	12.4	
Nigeria	56.0	2.9	45-53.0		91.0	Colombia	15.4	2.2	43-46.0	14-17.0	27.7	
Rwanda	2.9	2.6			3.5	Ecuador	4.8	3.2	45-50.0	15-20.0	8.0	
Senegal	3.5	2.7	39-47.0	23-29.0	4.4	Paraguay	1.9	2.4	45-50.0	12-16.0	3.0	
Sierra Leone	2.2				3.7	Peru	11.9	3.0	42-48.0	13-18.0	17.5	
South Africa	17.5	2.6			26.8	Uruguay	2.6	2.6	21-25.0	7-9.0	3.1	
<i>Southern Rhodesia:</i>					7.1	Venezuela	8.4	3.4	45-50.0	10-15.0	14.9	
Tanzania ¹	10.3	1.9	46-50.0		14.4	Europe:						
Togo	1.6	2.6	51-59.0	26-32.0	2.3	<i>Northern and Western</i>						
Uganda	7.2	2.5	46-50.0		10.0	Belgium	9.3	.5	17.2	12.7	10.1	
Upper Volta	4.8	3.3	43-49.0	27-31.0	6.3	Denmark	4.7	.8	17.7	9.9	5.2	
Zambia ²	3.6	2.8			5.7	Finland	4.6	.8	18.1	9.3	5.3	
						France	48.4	1.2	18.2	11.7	53.3	
						Iceland	.2	1.9	25.8	6.8	.2	
						Ireland	2.8	-3	22.2	11.8	2.9	
						Luxembourg	.3	.9	16.0	12.5	.4	
						Netherlands	12.1	1.3	20.9	8.0	14.1	
						Norway	3.7	.8	17.5	10.0	4.3	
						Sweden	7.6	.5	14.8	10.1	8.4	
						United Kingdom	54.1	.8	18.5	12.2	57.3	
						<i>Central Europe:</i>						
						Austria	7.2	.6	18.7	12.7	7.3	
						Czechoslovakia	14.0	.7	16.9	9.5	15.8	
						Germany, East	16.1	-3	17.5	13.7	17.6	
						Germany, West ⁴	55.2	1.3	18.5	11.4	58.5	
						Hungary	10.1	.4	13.1	9.9	10.7	
						Poland	31.1	1.3	19.0	7.5	38.0	
						Switzerland	5.9	2.1	18.9	9.6	6.3	
						<i>Southern Europe:</i>						
						Albania	1.8	3.2	39.3	10.7	3.0	
						Bulgaria	8.2	.9	10.4	8.2	9.3	
						Greece	8.5	.8			9.5	
						Italy	50.8	.6	19.1	10.2	56.4	
						Malta	.3	.5	20.4	8.9	.4	
						Portugal	9.1	.7	23.5	10.8	9.8	
						Rumania	19.0	.9	15.7	8.3	22.3	
						Spain	31.3	.8	21.5	9.0	36.0	
						Yugoslavia	19.3	1.1	21.4	8.9	22.8	
						<i>Oceania:</i>						
						Australia	11.1	2.1	21.6	8.7	14.6	
						New Zealand	2.6	2.2	25.5	8.8	3.7	
						U.S.S.R.	228.6	1.7	22.4	7.5	277.8	
Asia:												
<i>Southwest Asia:</i>			(47.0)	(24.0)								
Cyprus	.6	1.0	24-28.0		.7							
Iran	22.6	1.9	42-48.0	23-27.0	33.1							
Iraq	7.0	1.8	47-51.0		13.8							
Israel	2.5	3.5	24.6	6.2	3.1							
Jordan	1.9	2.3	43-47.0		3.4							
Kuwait	.3		37-43.0		.3							
Lebanon	1.8				3.1							
Saudi Arabia	6.6				9.4							
Syria	5.4	3.2			9.3							
Turkey	30.8	2.6	44-48.0		48.5							
Yemen	5.0				6.9							
<i>South-central Asia:</i>			(43.0)	(21.0)								
Afghanistan	14.9		45-53.0		22.1							
Bhutan	.7				1.0							
Ceylon	10.9	2.7	35.8	8.5	18.3							
India	463.5	2.3	39-43.0	21-23.0	661.5							
Nepal	9.9	1.6	46-54.0	34-40.0	14.1							
Pakistan	100.7	2.1	43-46.0	16-17.0	153.6							
<i>Southeast Asia:</i>			(49.0)	(23.0)								
Burma	24.2	2.1	47-53.0	33-37.0	35.0							
Cambodia	5.9		47-53.0		9.8							
Indonesia	102.2	2.2	40-46.0	19-23.0	152.8							
Laos	2.0	2.5			2.9							
Malaysia	10.9	3.3	40.9	8.6	18.1							
Philippines	31.2	3.2	44-48.0		55.8							
Thailand	29.7	3.0	40-44.0	19-21.0	47.5							
Vietnam, North	17.8	3.4			24.5							
Vietnam, South	15.9	3.7	40-48.0		21.9							

NOTES

Italic indicates non-self-governing countries.

Parentheses indicate regional vital rates.

Blank space indicates lack of reliable statistics.

*Compiled from United Nations and other sources.

† Latest available year. In no case before circa 1960.

‡ Medium projection (provisional U.N. estimates, 1964).

- ¹ Formerly Nyassaland. Gained Independence July 6, 1964.
² Formerly known as the United Republic of Tanganyika and Zanzibar.
³ Formerly North Rhodesia. Gained Independence Oct. 24, 1964.
⁴ Excludes West Berlin, population 2,200,000 (1964).

Source: Information Service, Population Reference Bureau, 1755 Massachusetts Ave. N.W., Washington, D.C., December 1964.

WORLD AND CONTINENTAL POPULATION ESTIMATES

[In millions]

	Mid-1964	1980 projection †
World total.....	3,283	4,274
Africa.....	303	449
Asia.....	1,843	2,404
North America.....	211	267
Middle and South America.....	236	374
Europe.....	443	479
Oceania.....	18	23
U.S.S.R.....	229	278

POPULATION INCREASE AT VARIOUS RATES OF GROWTH

Annual increase rate	Number of years to double population	In 1 century 10,000,000 increases to—
0.5 percent.....	139	16,000,000
1 percent.....	70	27,000,000
1.5 percent.....	47	44,000,000
2 percent (world rate).....	35	72,000,000
2.5 percent.....	28	118,000,000
3 percent.....	23	192,000,000
3.5 percent.....	20	312,000,000
4 percent.....	18	505,000,000

† Medium projection (provisional U.N. estimates, 1964).

A TRIBUTE TO THE HONORABLE ROSS BASS

Mr. YARBOROUGH. Mr. President, Ross Bass, a veteran of 10 years in the House of Representatives and 2 in the Senate, will leave the Congress of the United States at the end of this session. I rise now to salute him for those 12 years of industrious service.

Senator Bass, whom I have come to know as a friend, has been a concerned spokesman for the people of Tennessee. He has sponsored and supported legislation vital to the needs of his State and the Nation—including the antipoverty, civil rights, medicare and Appalachian bills. He has interested himself in the problems of American agriculture and with the needs of the small family farmer—the neglected but very vital man in the American economy. And, as a member of the House Ways and Means Committee, he has tutored himself in the fiscal policies of the country and made himself a useful member of both the House and the Senate.

I have enjoyed his friendship, Mr. President, and will miss both his candor and his company when he goes.

THE POST OFFICE DEPARTMENT CONTRIBUTES TO ITS OWN CRISIS

Mr. SIMPSON. Mr. President, I have today sent a self-explanatory letter to the Postmaster General. In it I inquire of Mr. O'Brien as to why the Post Office Department has picked this time to flood the mail with nearly 100 million items of junk mail in which postal patrons are asked to list out-of-town addresses which they want ZIP coded.

This junk mail, which is sent under postal frank at the displacement of some \$5 million of postage-paid mail, is contributing to the massive breakdown in mail service. My suggestion to Mr. O'Brien is that this type of service by the Post Office Department be suspended, at least until after the Christmas mail rush.

I ask unanimous consent that the letter be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
October 21, 1966.

HON. LAWRENCE F. O'BRIEN,
The Postmaster General,
Post Office Department,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: As you are well aware, the Post Office Department is suffering the most severe breakdown in mail service in the past quarter century. This breakdown, which is being felt severely in Chicago and may soon be felt in New York City, is certainly caused to a large extent by a sharp upsurge in third class mail—Christmas shopping catalogues, etc. It probably relates also to the difficulty the Department has had in effectively automating and in a certain reluctance of Congress to provide funds for overtime pay.

I have received through the mail evidence that there may be additional causes for the mail tieup however. I think that the Department has picked a most unpropitious time to flood the mails with nearly 100 million junk mail cards which solicit from postal patrons lists of various out-of-town and local addresses which the Department is offering to ZIP Code free of charge. Certainly the ZIP Code concept has benefited the Department, but why you selected this particular time in the mailing season to glut the mails with these little double-faced postcards boasting that "the Post Office will ZIP Code the addresses that you use most often" remains a mystery to me.

I think the Department would be well advised to suspend the mailing of this type material, at least until after the Christmas mailing rush has been dealt with.

With warmest personal regards, I am,
Sincerely yours,

MILWARD L. SIMPSON,
U.S. Senate.

TRIBUTE TO SENATOR MAURINE NEUBERGER

Mr. DODD. Mr. President, for the past 6 years, the U.S. Senate has been fortunate enough to have two lovely, intelligent, articulate, and dedicated women Senators grace this Chamber.

Unfortunately, one of them, Senator MAURINE NEUBERGER, has chosen to retire and not run for reelection.

MAURINE NEUBERGER's decision to devote all of her time to being Mrs. Philip Solomon is an understandable one, be-

cause a woman's rightful place is to be with her husband.

But it will be a great loss to the public. For who can forget the many courageous battles she has fought in behalf of the American housewife and the American consumer.

And who can forget her tenacious efforts to expand and step up cancer research

I, for one, will never forget the Saturday in 1962, when MAURINE NEUBERGER, as one of the small band of Senators who filibustered the communications satellite bill, held up the Senate so nothing could be done for that whole day. She did this all by herself, by twice insisting on a live quorum before she would give her speech.

Much to our embarrassment, we failed to obtain the second live quorum and she never had to give her speech, a clear victory for the lady from Oregon.

But I do not have to recount her many notable accomplishments in public life.

We all know what a fine person and what an outstanding legislator MAURINE NEUBERGER has always been.

I wish her every happiness and success in the years to come.

THE LATE SENATOR HARRY F. BYRD OF VIRGINIA

Mr. STENNIS. Mr. President, when our friend the late Senator Harry Flood Byrd, Sr., was elected Governor of Virginia I was a student at the University of Virginia Law School. I remember so well being attracted to him and his campaign, and felt a sense of triumph when he was elected. I followed his administration there with the utmost interest and among many other constructive things that he accomplished, I remember with the utmost satisfaction his rewriting and modernizing of the Constitution of Virginia through a series of well chosen amendments which he got submitted to the people and adopted by the people. Thus he launched Virginia into a new course and launched himself into a position of national influence.

Later, it was my privilege to join him here in the Senate, where his counsel

and advice and leadership has been valuable indeed to me, as well as to many other Senators.

I shall remember him most pleasantly for his many achievements, but more than that, I shall remember him and respect his memory because of his high course of honor, his utmost integrity, and his unflinching loyalty to the causes in which he believed.

I have never known a man in public life who scored any higher than he did in his record of voting exactly what he thought was right and sound in the long run on every single issue presented, both large and small, regardless of personal consequences then or in the future. God give us more men like Harry Byrd.

His work will live. His influence will be felt for a long, long time in many of the policies of our Government; his principles will continue to prevail so long as men are free.

RECESS

The PRESIDING OFFICER. Under the unanimous-consent agreement previously entered, the Senate will stand in recess subject to the call of the majority leader.

Thereupon (at 3 o'clock and 44 minutes p.m.) the Senate took a recess, subject to the call of the majority leader.

At 5 o'clock and 28 minutes p.m.:

Mr. MANSFIELD. Mr. President, I ask the Chair to suspend the recess.

The PRESIDING OFFICER (Mr. CARLSON in the chair). The Senate will come to order.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate has no pending business.

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess subject to the call of the Chair when asked by the leadership.

The motion was agreed to; and (at 5 o'clock and 29 minutes p.m.) the Senate took a recess subject to the call of the Chair when asked by the leadership.

At 6 o'clock and 1 minute p.m.:

Mr. MANSFIELD. Mr. President, I ask the Chair to suspend the recess.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The Senate will come to order.

DESIGNATION OF FEBRUARY OF EACH YEAR AS AMERICAN HISTORY MONTH

Mr. KUCHEL. Mr. President, I ask the Chair to lay before the Senate, Senate Joint Resolution 133.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S.J. Res. 133) designating February of each year as American History Month, which were, on page 2, line 3, strike out "of each year", and insert ", 1967"; on page 2, line 5, strike out "annually"; strike out the preamble.

And to amend the title so as to read: "Joint Resolution designating February, 1967 as American History Month."

Mr. KUCHEL. Mr. President, the Senate resolution was cosponsored by 45 Members of the Senate, including the majority leader, and favorably reported from the Committee on the Judiciary by the minority leader [Mr. DIRKSEN].

When the Senate passed the joint resolution, Senator COOPER pointed out that the idea for designating February as American History Month originated in Kentucky among the Daughters of the American Revolution and, since that time, has attracted support until the Governors of nearly every State issued such a proclamation annually. The resolution asks that the President issue a similar proclamation, inviting the people of the United States to observe February as American History Month in schools and other suitable places with appropriate ceremonies and activities.

We are glad that the resolution has attracted the interest and approval of historical associations, schools and patriotic groups, and others. Its purpose is made clear by the text of the resolution itself, and I ask unanimous consent that the resolution as passed by the Senate be printed in the RECORD.

There being no objection, the resolution (S.J. Res. 133) was ordered to be printed in the RECORD, as follows:

S.J. RES. 133

Joint resolution designating February of each year as American History Month

Whereas the study of history not only enlivens appreciation of the past but also illuminates the present and gives perspective to our hopes;

Whereas a knowledge of the growth and development of our free institutions and their human values strengthens our ability to utilize these institutions and apply these values to present needs and new problems;

Whereas Americans honor their debt to the creativity, wisdom, work, faith, and sacrifice to those who first secured our freedoms, and recognize their obligation to build upon this heritage so as to meet the challenge of the future; and

Whereas it is appropriate to encourage a deeper awareness of the great events which shaped America, and a renewed dedication to the ideals and principles we hold in trust: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February of each year is hereby designated as American History Month, and the President of the United States is requested and authorized to issue annually a proclamation inviting the people of the United States to observe such month in schools and other suitable places with appropriate ceremonies and activities.

Mr. KUCHEL. In adopting the resolution, the House of Representatives amended Senate Joint Resolution 133 to make it applicable only to February of next year, and also struck the preamble, similar to the action it took on several other resolutions. The designation of February 1967 as American History Month will, however, call attention to the traditional values our Nation cherishes—and during the month in which we celebrate the birthday of the Father of our Country and Lincoln's birthday. I think those who sponsored Senator COOPER's resolution will join me in expressing the hope that this may become an annual event.

Mr. President, I move that the Senate concur in the House amendments to Senate Joint Resolution 133, so that the resolution may be enacted before the Congress adjourns, and sent to the President for his approval.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the joint resolution (H.J. Res. 1001) for the designation of the month of May 1966 as "Steelmark Month."

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18381) making supplemental appropriations for the fiscal year ending June 30, 1967, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 5, 13, 25, 29, 30, and 43 to the bill and concurred therein, and that the House receded from its disagreement to the amendments of the Senate numbered 6, 9, 19, 34, 35, and 38 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

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

H.R. 5950. An act to permit duty-free treatment of limestone, when imported to be used in the manufacture of cement, pursuant to the Trade Expansion Act of 1962;

H.R. 7030. An act to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts;

H.R. 8244. An act to amend the Internal Revenue Code of 1954 to provide for rounding the amount of State and local taxes for purposes of computing tax on cigars;

H.R. 9280. An act relating to the excise tax on shells and cartridges;

H.R. 11158. An act to establish a working capital fund for the Department of the Treasury;

H.R. 11753. An act to provide for the free entry of one mass spectrometer for the use of Indiana University;

H.R. 12110. An act to provide for the free entry of one ship model for the use of the Lutheran Church of the Covenant, Maple Heights, Ohio;

H.R. 12197. An act to provide for the free entry of one rheogoniometer for the use of Tufts University, Boston, Mass.;

H.R. 13035. An act to provide for the free entry of a triaxial apparatus and rheogoniometer for the use of Northwestern University;

H.R. 13116. An act to amend the Tariff Schedules of the United States with respect to the rate of duty on certain nonmalleable iron castings;

H.R. 13190. An act to provide for the free entry of a four octave carillon for the use of the Northfield and Mount Hermon Schools, East Northfield, Mass.;

H.R. 13363. An act to extend the time within which certain requests may be filed

under the Tariff Schedules Technical Amendments Act of 1965;

H.R. 13739. An act to provide for the free entry of one broad-range multigap magnetic spectrograph for the use of the University of Pennsylvania, Philadelphia, Pa.;

H.R. 14388. An act to provide for the free entry of certain articles for the use of Princeton University, Princeton, N.J.;

H.R. 14610. An act to provide for the free entry of a double neutron diffractometer for the use of the University of Missouri, Columbia, Mo.;

H.R. 14893. An act to provide for the free entry of an ionosonde for the use of the University of Illinois;

H.R. 15888. An act to provide for the free entry of a carillon for the use of the University of California at Riverside;

H.R. 16077. An act to permit duty-free treatment of dicyandiamide pursuant to the Trade Expansion Act of 1962;

H.R. 16160. An act to amend the Tariff Schedules of the United States with respect to the classification of Chinese gooseberries; and

H.R. 17271. An act to amend section 112 of the Internal Revenue Code of 1954 to increase from \$200 to \$500 the monthly combat pay exclusion for commissioned officers serving in combat zones.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution:

S. 2751. An act for the relief of David R. Slemmon; and

S.J. Res. 167. Joint resolution to enable the United States to organize and hold an International Conference on Water for Peace in the United States in 1967 and authorize an appropriation therefor.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H.R. 5950. An act to permit duty-free treatment of limestone, when imported to be used in the manufacture of cement, pursuant to the Trade Expansion Act of 1962;

H.R. 7030. An act to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts;

H.R. 8244. An act to amend the Internal Revenue Code of 1954 to provide for rounding the amount of State and local taxes for purposes of computing tax on cigars;

H.R. 9280. An act relating to the excise tax on shells and cartridges;

H.R. 11158. An act to establish a working capital fund for the Department of the Treasury;

H.R. 11753. An act to provide for the free entry of one mass spectrometer for the use of Indiana University;

H.R. 12110. An act to provide for the free entry of one ship model for the use of the Lutheran Church of the Covenant, Maple Heights, Ohio;

H.R. 12197. An act to provide for the free entry of one rheognometer for the use of Tufts University, Boston, Mass.;

H.R. 13035. An act to provide for the free entry of a triaxial apparatus and rheognometer for the use of Northwestern University;

H.R. 13116. An act to amend the Tariff Schedules of the United States with respect

to the rate of duty on certain nonmalleable iron castings;

H.R. 13190. An act to provide for the free entry of a four octave carillon for the use of Northfield and Mount Hermon Schools, East Northfield, Mass.;

H.R. 13363. An act to extend the time within which certain requests may be filed under the Tariff Schedules Technical Amendments Act of 1965;

H.R. 13739. An act to provide for the free entry of one broad-range multigap magnetic spectrograph for the use of the University of Pennsylvania, Philadelphia, Pa.;

H.R. 14388. An act to provide for the free entry of certain articles for the use of Princeton University, Princeton, N.J.;

H.R. 14610. An act to provide for the free entry of a double neutron diffractometer for the use of the University of Missouri, Columbia, Mo.;

H.R. 14893. An act to provide for the free entry of an ionosonde for the use of the University of Illinois;

H.R. 15888. An act to provide for the free entry of a carillon for the use of the University of California at Riverside;

H.R. 16077. An act to permit duty-free treatment of dicyandiamide pursuant to the Trade Expansion Act of 1962;

H.R. 16160. An act to amend the Tariff Schedules of the United States with respect to the classification of Chinese gooseberries; and

H.R. 17271. An act to amend section 112 of the Internal Revenue Code of 1954 to increase from \$200 to \$500 the monthly combat pay exclusion for commissioned officers serving in combat zones.

ORDER OF BUSINESS—ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, the conference report on the foreign investors' tax bill will not be taken up until tomorrow morning. I ask unanimous consent that when the Senate adjourns tonight, it adjourn until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. GORE. Reserving the right to object, and I shall not object, I merely wish to call the attention of the Senate to the fact that the supplemental appropriations bill conference report is now before the House. It is an urgent matter, and I suggest to the distinguished majority leader that I would be fully prepared and hopeful that it could be taken up and disposed of expeditiously.

Mr. MANSFIELD. Mr. President, I appreciate the gracious remarks of the distinguished senior Senator from Tennessee.

This matter has been discussed with various parties, but it is the intention of the leadership to first call up the conference report on the foreign investors' tax bill, to be followed by the conference report on the supplemental appropriations bill.

I hope that will be satisfactory to the Senator.

Mr. GORE. I have always followed the majority leader in the scheduling of business before the Senate. I shall approach the disposition of the business of the Senate as it is brought before the Senate by the majority leader.

Mr. MANSFIELD. The Senator is most kind.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

THE CALENDAR

Mr. SMATHERS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following measures: Calendars Nos. 1696, 1722, 1761, 1811, 1815, 1817, 1819, 1837, and 1850 to 1884, inclusive.

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

NATIONAL COMMUNITY SENIOR SERVICE CORPS

The Senate proceeded to consider the bill (S. 2877) to amend the Older Americans Act of 1965 in order to provide for a National Community Senior Service Corps which had been reported from the Committee on Labor and Public Welfare, with an amendment, to strike out all after the enacting clause and insert:

That the Older Americans Act of 1965 is amended by redesignating title VI as title VII and sections 601, 602, and 603 as sections 701, 702, and 703, respectively, and by adding after title V a new title as follows:

"TITLE VI—OLDER AMERICANS COMMUNITY SERVICE PROGRAM

"Statement of findings and purpose

"Sec. 601. The Congress hereby finds and declares—

"(1) that there are millions of Americans aged sixty or over who are forced into idleness and inactivity by unemployment, compulsory retirement policies, or lack of opportunities for meaningful community service projects;

"(2) that certain grave consequences of such enforced idleness are impaired morale and physical, mental, and psychological health among members of this age group who are forced to endure the frustration, feeling of futility, and loss of self-respect;

"(3) that another consequence of such enforced idleness is inadequate incomes for this age group, many of whom receive pensions and other retirement incomes which are totally inadequate, and others of whom have not yet reached ages of eligibility for such pensions;

"(4) that there are needs in every community and area of the Nation which are not now being met, not because of the lack of manpower to meet those needs, but rather because of the lack of adequate arrangements for utilizing available manpower to meet them;

"(5) that individuals aged sixty or over are capable and qualified to perform services which would meet many of those needs and that there is an important potential national asset in the talents, abilities, experience, training, and energy of Americans in that age group who have been forced into unwanted inactivity; and

"(6) that providing this age group with opportunities for service will better their morale, will benefit their physical, mental, and psychological health, can, in many cases, provide them with needed income supplementation, and will be a means of providing services needed by all age groups which are not now being provided.

"Development of programs

"Sec. 602. (a) In order to carry out the purpose of this title the Secretary is authorized to assist and cooperate with State agencies designated pursuant to section 303(a)

(1) in developing programs meeting the requirements of section 603.

"(b) The Secretary's functions under this title shall be carried out through the Commissioner.

Authorization for older American community service program

"Sec. 603. (a) The Secretary may enter into agreements providing for the payment by him (subject to subsection (b)) of part or all of the cost of older Americans community service programs, approved by the State agency designated under title III, if he determines, in accordance with such regulations as he may prescribe, that—

"(1) only individuals aged sixty and over will provide services in the program (except for administrative purposes) and such services will be performed in the community where such individuals reside or in nearby communities either (A) on publicly owned and operated facilities or projects, or (B) on local projects sponsored by private nonprofit organizations (other than political parties), other than projects involving the construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place for religious worship;

"(2) the program will permit or contribute to an undertaking or service in the public interest that would not otherwise be provided;

"(3) the program will not result in the displacement of employed workers or impair existing contracts for services;

"(4) the program includes such short-term training as may be necessary to make the most effective use of the skills and talents of those individuals aged sixty and over who are participating;

"(5) any rates of pay and other conditions of service, which may be fixed by the sponsor of each individual project, will be appropriate and reasonable, and except in unusual circumstances no individual will receive payments in excess of \$1,500 per annum;

"(6) the program is being established and will be carried out with the advice of competent specialists in problems of older persons;

"(7) the program provides that the State agency will administer or supervise its administration, will make such reports to the Secretary, in such form and containing such information, as may reasonably be necessary to enable him to perform his functions under this title, and will keep such records and affords such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

"(8) the program is closely coordinated with, wherever appropriate, and makes the most efficient use of the experience and programs of, the Department of Labor, and the Office of Economic Opportunity, and any other relevant Federal and State programs; and

"(9) the program is developed, conducted, and administered with maximum feasible participation of persons who have attained sixty years of age.

"(b) The Secretary shall not pay, pursuant to an agreement entered into under subsection (a), more than 90 per centum of the cost of any program which is the subject of such agreement out of funds which are appropriated for the purpose of carrying out this title for any fiscal year which begins after the fiscal year ending June 30, 1967. In determining, for purposes of the preceding sentence, the cost of any such program, the Secretary shall attribute fair market value to services and facilities contributed to such program from non-Federal sources.

"Participants in older Americans community service programs are not Federal employees"

"Sec. 604. Individuals providing their services under any State program pursuant to this title shall not be Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

"Equitable distribution of assistance"

"Sec. 605. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance under this title among the States.

"Payments"

"Sec. 606. Payments under this title may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"Appropriations authorized"

"Sec. 607. There are authorized to be appropriated for the fiscal year beginning July 1, 1966, \$9,000,000, and for the fiscal year beginning July 1, 1967, \$15,000,000 to carry out the provisions of this title."

The amendment was agreed to.

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

J. M. PENDARVIS, JR.

The bill (H.R. 9036) for the relief of J. M. Pendarvis, Jr., was considered, ordered to a third reading, read the third time, and passed.

MR. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1753), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation, is to pay J. M. Pendarvis, Jr., of Edgefield, S.C., \$15,000 in full settlement of his claims against the United States based upon injuries and disability he suffered as a result of an assault by members of the U.S. Army on August 6, 1963.

STATEMENT

The facts as related to the House of Representatives are as follows:

A subcommittee hearing was conducted with reference to this bill on July 28, 1966. The testimony at that hearing indicated that on the evening of August 6, 1963, Mr. J. M. Pendarvis was at home when a friend, Mr. Albert Kelly, arrived to visit him at about 10:30 p.m. Mr. Kelly stated that he saw what appeared to be prowlers in the area. Mr. Pendarvis stated at the hearing that when he went out to investigate, someone grabbed at him and he was struck in the face and that it all happened so quickly that he really did not see anyone prior to being seized. Mr. Kelly, who followed him out the door, was also seized by the individuals who were subsequently identified as Army men engaged in a counterinsurgency exercise in connection with the Army exercise Swift Strike III.

As a result of these events, the blow Mr. Pendarvis received on the side of his face caused injuries which were the subject of committee investigation at the time of the

hearing. The Army report in this connection states that the allegations of serious injuries are not justified by any information in the official records of the Army, and the report further indicates that the X-rays taken by Army personnel did not disclose any fractures of facial bones.

At the hearing, Dr. W. A. Carr, of Augusta, Ga., testified concerning the injuries. Dr. Carr testified that he was a specialist in oral surgery and had practiced in Augusta, Ga., since 1952. Dr. Carr testified that when he first saw Mr. Pendarvis, he had a large amount of "edema" or swelling on the left side of his face. He stated that his left eye was partially closed. He fixed the date of his first examination on August 9, 1963. He treated him as an outpatient until the swelling had subsided and then took more X-rays which disclosed a fracture of the anterior wall of the antrum, a depressed fracture of the zygomatic arch, and a fracture of the infraorbital rim. In layman's terms, these are fractures of the facial bones.

Mr. Pendarvis was placed in a hospital and was operated upon to repair the damage to the facial bones and other related damage. The injury to the side of Mr. Pendarvis' face affected his sinuses. At the hearing, the members were particularly interested in the degree of permanency of disability resulting from this injury. Mr. Pendarvis testified that the side of his face is still affected by a numbness. He describes the effect as being as if his face feels "like leather." He stated at the hearing that when he shaves, his face has a "funny feeling like there is no control or nerve in this side of my face." Dr. Carr stated that the degree of recovery of this circumstance will depend upon whether the nerve in the side of the face is actually torn apart or not. Dr. Carr further stated that a change in the facial contours may change in a period of years or may remain relatively permanent. Further, the nerve damage is a factor because if the nerve does not regain its function, it will have an effect on the appearance of the face.

The Army report to the committee details the circumstances which resulted in Army personnel being in the Edgefield, S.C., area. The Army in that report and in testimony indicates that Army personnel had reason to believe that Mr. Pendarvis was cooperating with certain Army personnel who were simulating the role of guerrillas for the Army exercise. The testimony on this point is somewhat conflicting but the committee has concluded that however this may be, the facts do demonstrate that Mr. Pendarvis did suffer and the injury was suffered in a manner which imposed a moral obligation upon the United States to compensate him for that injury. The committee, therefore, must disagree with the conclusion in the Army report that he had in effect "assumed the risk" of any injury which might result. Even if the Army assumption of his being a civilian cooperating with guerrilla forces is correct, it cannot be assumed as a corollary that a citizen must bear the risk of uncompensated injury. Accordingly, it has been determined that this is a proper subject for legislative relief, and the committee has fixed compensation in the amount of \$15,000 as an adequate award in this case. It is therefore recommended that the bill, as amended, be considered favorably.

The committee concurs in the action of the House of Representatives and recommends that the bill be considered favorably.

GEORGE R. LORE

The bill (H.R. 3536) for the relief of George R. Lore was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1792), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to pay \$6,889 to George R. Lore, of Baudette, Minn., a member of the Coast Guard Auxiliary, for the loss of or damage to his aircraft while on a search and rescue mission.

STATEMENT

The incident upon which the private relief legislation is based occurred in the Lake-of-the-Woods area in northern Minnesota on Sunday evening, July 2, 1961. After some 48 hours of stormy weather characterized by high winds, some men were stranded on one of the thousands of islands in the Lake-of-the-Woods. Toward evening, George R. Lore, head of the search and rescue committee of U.S. Coast Guard Auxiliary Flotilla 28-05, received a telephone call requesting that he utilize his aircraft in an attempt to rescue or drop food to the men. Because of the high wind velocity, Mr. Lore, a veteran of many rescue missions, decided the weather would not permit a rescue attempt, but did fly to the area where the men were stranded for the purpose of dropping food. Just as the food was dropped, mechanical failure caused the airplane to lose altitude and crash. Mr. Lore was seriously injured and the loss to his uninsured airplane amounted to \$6,889. No claim is made for medical expense, pain and suffering, or time lost from work.

The Treasury Department, in commenting on the proposed legislation, raises questions as to the authority for the rescue mission, and the eligibility of the aircraft involved for official rescue mission operations. Regulations concerning Coast Guard Auxiliary operations provide that any member of the Coast Guard Auxiliary who desires to make his aircraft available for use must submit an "Offer of Use" form to the appropriate Coast Guard commander. Inspection of the aircraft is required and thereafter such aircraft may be used on Coast Guard missions only when specifically authorized by Coast Guard orders.

The Treasury Department has expressed the opinion that the Government has no legal liability for the damages incurred as a result of the incident. This may be so, yet it seems clear that Mr. Lore attempted the food-drop mission on an "errand of mercy" within the scope of his voluntary responsibility and experience on search and rescue missions for the Coast Guard Auxiliary. Under these circumstances, it is concluded that the matter is an appropriate one for legislative relief and that, in good conscience, Mr. Lore should be compensated for the damage to his aircraft suffered on the mercy mission. Accordingly, it is recommended that the bill be considered favorably.

Coast Guard records establish that the aircraft used by Mr. Lore had passed annual inspections both in 1960 and 1961 so that it was an approved aircraft. There is some conflict as to whether the proper "Offer of Use" form had been submitted for the aircraft which crashed. The General Counsel of the Treasury stated that the Coast Guard records show that Mr. Lore had filed an "Offer for Use" form with respect to two other aircraft he owned, " * * * but the Coast Guard had not found an 'Offer for Use' form on file with respect to the particular aircraft used on this rescue mission."

Information was submitted to the committee that Mr. Lore had filed an "Offer of Use" for the aircraft used. It was explained that perhaps no "Offer of Use" was found

for 1961 because the form permits the applicant to indicate the offer is good until withdrawn and " * * * the Coast Guard Auxiliary Manual, page 44, makes no mention of the fact that the 'Offer of Use' form C.G. 2746 must be executed every year."

The evidence in the record concerning the rescue mission which resulted in the aircraft damage indicates that Mr. Lore proceeded without specific orders or prior clearance from Coast Guard headquarters. It is contended that a telephone call from Baudette, Minn., on that Sunday evening could have, and most likely would have, delayed the search until the following day. Moreover, time is of the essence in any search and rescue mission. It appears to the committee significant that Mr. Lore himself decided that the weather conditions, time, and other circumstances did not permit a rescue attempt that day, and so decided only to make a food drop to be followed, no doubt, by a properly authorized rescue mission when the weather permitted.

The committee is of the opinion that this legislation is a proper vehicle to make some adjustment for loss suffered on a food drop mission which was voluntarily made under unusual circumstances but within the scope of the claimant's responsibility and experience on search and rescue mission for the Coast Guard Auxiliary. The committee believes it worthy of note that the claimant endeavored to charge off the value of the plane as tax loss but this was denied by the Internal Revenue Service. The committee believes the equities of the situation require some compensation for this errand of mercy and believes that favorable consideration of this legislation in some way compensates the claimant for his losses. Accordingly, the committee recommends favorable consideration of H.R. 3536, without amendment.

TIMOTHY JOSEPH SHEA AND ELSIE ANNET SHEA

The bill (S. 3621) for the relief of Timothy Joseph Shea and Elsie Annet Shea was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Timothy Joseph Shea and Elsie Annet Shea, husband and wife, of Orlando, Florida, the sum of \$2,000, in full satisfaction of all their respective and joint claims against the United States for compensation for personal injuries and suffering incurred by the said Elsie Annet Shea, and damages to their residence and property sustained by the said Timothy Joseph Shea and Elsie Annet Shea, incident to an accident which occurred on October 1, 1960, when two civil aircraft collided near their residence as the result of negligent landing instructions given to the pilots of such aircraft by operators of the Federal air traffic control tower, Herndon Air Port, Orlando, Florida; *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed

in the RECORD an excerpt from the report (No. 1840), explaining the purposes of the bill.

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

PURPOSE

The purpose of S. 3621 is to pay Timothy Joseph Shea and Elsie Annet Shea, husband and wife, of Orlando, Fla., the sum of \$2,000 in full satisfaction of their claims against the United States for personal injuries suffered by Elsie Annet Shea and for damages to their property, incident to the collision of two civil aircraft as the result of negligent landing instructions given to the pilots of such aircraft by the operators of the Federal air traffic control tower, Herndon Airport, Orlando, Fla.

STATEMENT

The Federal Aviation Agency opposes the bill on the routine grounds of the bar of the statute of limitations as contained in the Federal Tort Claims Act, but makes the statement that "perhaps there are certain mitigating circumstances in this case."

The facts of the case contained in the agency report are as follows:

"The incident which gave rise to S. 3621 was a midair collision of a Beechcraft Bonanza and an Eastern Airlines Martin 404 on October 1, 1960, while both aircraft were approaching Orlando, Fla., Municipal Airport. The airliner was damaged, but was able to land safely without injury to the crew or passengers. The Bonanza, however, crashed and the pilot sustained fatal injuries.

"On August 6, 1963, Timothy Joseph Shea and Elsie Annet Shea instituted a suit in the U.S. District Court for the Southern District of Florida against the United States, Eastern Airlines, and other defendants alleging that as a result of the negligence of the defendants, Mrs. Shea sustained personal injuries in the amount of \$10,000 by reason of the inhalation of noxious fumes, smoke, and gases emitted by the wreckage of the Bonanza aircraft which had fallen on the Sheas' place of residence. Damages of \$3,000 were also claimed to compensate the plaintiffs for alleged property damage. Pursuant to a motion by the Government, the suit against the United States was dismissed on the grounds it was barred by the statute of limitations. We are not aware of the outcome of this litigation against the other defendants.

"The aircraft accident also gave rise to another suit against the United States and Eastern Airlines. That case (*Ayers v. United States et al.*) involved a wrongful death action brought by the widow of the deceased pilot of the Bonanza aircraft. Eastern Airlines was dismissed as a defendant on jurisdictional grounds. However, in the trial against the United States, the court found that Federal Aviation Agency controllers stationed at the Orlando Airport control tower were negligent and that such negligence was the proximate cause of the accident. The court also ruled that the Bonanza pilot was not contributorily negligent.

"The bill provides for the payment of \$2,000 to cover the claims of the Sheas against the United States. Inasmuch as the Sheas were not involved in the *Ayers* case and the suit brought by the Sheas against the United States was dismissed on procedural grounds, we cannot make any comment with respect to the amount of damages they may have suffered or the validity of a payment of \$2,000. Also, as we mentioned above, we do not know whether any recovery was made by the Sheas against parties other than the United States.

"A final issue which merits attention in this matter is the failure of the Sheas to avail themselves of the judicial remedies provided by law. The Federal Tort Claims Act

provides a means of relief of persons sustaining personal injuries or property damage against the United States resulting from the negligence of Government employees acting within the scope of their employment. The suit brought under that act by the Sneas was not timely. Perhaps there are certain mitigating circumstances in this case, but we know of no reason why the standard provided by law should be disregarded and the special relief provided by S. 3621 enacted by Congress."

The committee disagrees with the conclusion of the Federal Aviation Agency and believes that the facts of this case justify a waiver of the statute of limitations. A court of record has found that the Government was negligent and that such negligence was the proximate cause of the accident giving rise to this claim. As shown by the letter from the claimants' attorney, the existence of the Government's negligence was unknown and thus the claimants could not have filed suit within the statutory period.

LOUIS T. MILLER

The Senate proceeded to consider the bill (S. 2024) for the relief of Louis T. Miller which had been reported from the Committee on the Judiciary, with an amendment, on page 2, line 1, after the name "Wisconsin", to strike out the comma and "and (2) to award to the said Louis T. Miller any compensation to which he would have been entitled had such claim been filed within the time and in the manner provided by such sections"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of sections 15 to 20, inclusive, of the Federal Employees Compensation Act, as amended (5 U.S.C. 765-770), the Secretary of Labor is authorized (1) to receive and consider any claim filed within one year after the date of enactment of this Act by Louis T. Miller, of Kaukauna, Wisconsin, for compensation for disability resulting from an injury sustained by him during the year 1923 while performing services as an employee of the United States Corps of Engineers at the Combined Locks at Little Chute, Wisconsin. No benefits shall accrue pursuant to this Act for any period prior to the date of its enactment.

The amendment was agreed to.

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

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1864), explaining the purposes of the bill.

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

PURPOSE

The purpose of the bill, as amended, is that, notwithstanding the provisions of sections 15 to 20, inclusive, of the Federal Employees Compensation Act, as amended (5 U.S.C. 765-770), the Secretary of Labor is authorized (1) to receive and consider any claim filed within 1 year after the date of enactment of this act by Louis T. Miller, of Kaukauna, Wis., for compensation for disability resulting from an injury sustained by him during the year 1923 while performing services as an employee of the U.S. Corps of Engineers at the Combined Locks at Little Chute, Wis. No benefits shall accrue pursuant to this act for any period prior to the date of its enactment.

STATEMENT

The facts of the case are found in an affidavit of the claimant and are as follows:

"Louis T. Miller, being first duly sworn on oath, deposes and says that he is presently 61 years of age and resides at Route No. 1, Kaukauna, in the village of Little Chute, Wis.; that he is married; that on or about the middle August 1923, while an employee of the U.S. Government under the U.S. Corps of Engineers in charge of the operation of navigation on the Fox River and the locks located thereon, and while operating the lock more specifically located at the Combined Locks in Little Chute, Wis., and while then and there attempting to allow a coal tug called the *George D. Ryan* through the locks, and while in the process of closing the middle gates in the lock and while in charge of the operation of the tripods operating the gates the action of the tug caused an unexpected speed up of the tripods and threw him onto the side of the locks on rocks causing him to sustain a severe injury to the right tibia. That he was taken to Dr. Boyd, of Kaukauna, for emergency treatment and continued under his care until it necessitated to operate upon him at which time Dr. Boyd called in Dr. V. F. Marshall of the city of Appleton, and with the additional assistance of Dr. Guy W. Carlson, who was then associated with Dr. Marshall and with also the presence of Dr. Boyd, surgery was performed upon Mr. Miller in the region of the right tibia. That the initial injury and surgery that followed caused him to be hospitalized for a period of approximately 3 months and in the St. Elizabeth Hospital of Appleton, Wis. That he was unable to return to his employment until the following spring; that the operation in 1923 did not completely remove the disability and did not heal completely. That infection appeared to have set in and continued thereto cause Mr. Miller a lot of pain and disability. That he was under doctor's care continuously and from time to time was obliged to submit to further surgery. That the record of Dr. V. F. Marshall, who performed the surgery on September 7, 1923, and subsequently again on September 28, 1923, is attached hereto and made a part hereof. That hospital records are available at St. Elizabeth Hospital, Appleton, Wis., and at the Wisconsin General Hospital, Madison, Wis., where he had the services of Dr. Robert Burnes, orthopedic specialist and Dr. Werka, also an orthopedic specialist. That on information and belief, Dr. Burnes diagnosed the infection of the tibia of the right leg as osteomyelitis of the bone and it became necessary to amputate the right leg about 4 inches above the knee on March 13, 1964. That Dr. George Behnke assisting Dr. Gordon H. Hardie of Neenah, performed the last surgery to amputate the leg. That he has since acquired the use of an artificial leg for replacement of the right leg.

"Affiant further alleges that he had received no information or any literature from the Government or from any other source, informing him of his rights to file a claim for workmen's compensation or other benefits. That the first time that he was informed he might have had a proper claim for workmen's compensation benefits was when a mutual friend of the late A. M. Miller and the father of this affiant and this affiant came to visit him at the hospital when the leg was amputated. This mutual friend, Attorney Samuel Sigman of Appleton, Wis., having had experience of serving as secretary to Hon. George J. Schneider, late Congressman from this district, and presently a practicing attorney, advised him that he might be able to get some relief if he could obtain the interest and cooperation of his Congressman or U.S. Senator. That upon such advice your affiant began his efforts toward this end.

"Affiant further alleges that he has ample proof to establish the accident and the facts

concerning the medical treatment, hospitalization, from the time of the injury to the amputation of the right leg as testified to above."

The committee believes that it would be fair to waive the statute in this case and thus permit this claimant an opportunity to secure the benefits due him under the law. Evidence in the committee's files indicates that the claimant was injured while employed by the Government and that this injury is compensable under the law. In addition, the affidavits filed with this report indicate that the claimant was never notified of his rights.

In view of the foregoing the committee recommends favorable action.

MARTHA BLANKENSHIP

The bill (S. 3750) for the relief of Martha Blankenship was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Martha Blankenship of Meador, West Virginia, is hereby relieved of all liability for repayment to the United States of the sum of \$1,887.86, representing the amount of survivor benefit payments which were erroneously paid to the said Martha Blankenship under the Railroad Retirement Act of 1937 incident to the death of her brother, Hasten Daniels, such payments having been used by the said Martha Blankenship to pay the funeral expenses and debts of her deceased brother prior to a determination by the Railroad Retirement Board that such payments should have been made to the surviving children of the said Hasten Daniels. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

Sec. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Martha Blankenship, the sum of any amounts received or withheld from her on account of the payments referred to in the first section of this Act.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1846), explaining the purposes of the bill.

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

PURPOSE

The purpose of the bill is to relieve Mrs. Martha Blankenship of Meador, W. Va., of her liability to the United States in the amount of \$1,887.86, which is the total of the "insurance lump sum" and the "residual lump sum" paid her under sections 5(f) (1) and (2) of the Railroad Retirement Act of 1937, 50 Stat. 307, as amended (45 U.S.C. 228a-228z-1), with respect to the death of the railroad employee, Hasten Daniels.

STATEMENT

The facts of the case contained in the report from the Railroad Retirement Board are as follows:

"The payment of the lump sums was made to Mrs. Blankenship solely by virtue of the fact that she filed an application for such sums with respect to the death of Mr. Daniels, her brother, of whose estate she is the administrator, and gave the answer 'None' to the question therein requesting the names of and other information about the employee's children, * * * including illegiti-

mate, adopted children, and stepchildren * * *." Under the law, the existence of minor children, eligible for monthly annuities, had the effect that the lump sums were not payable. Mrs. Blankenship's asserted use of the money to pay debts of the decedent, or to pay his burial expenses, is not relevant.

After the lump-sum payments were made to Mrs. Blankenship, the Board was informed that the employee was survived by two minor children. It was developed that these children were born to Mabel Jones, the divorced wife of the deceased employee, while she was still married to him. Mrs. Blankenship's attorney contended that the children were nevertheless illegitimate; but the Board's Bureau of Retirement Claims notified her on November 16, 1965, of its determination that the children were legitimate, and after protest and some further correspondence with her attorney the Bureau adhered to its position. No appeal has been taken from that determination.

"The Board is opposed to any essentially private relief bill which, like S. 3750, would waive recovery of benefits erroneously paid under the Railroad Retirement Act through the fault of an individual in giving inaccurate or misleading information on the application form submitted by the individual. The answer "None" to the question respecting the employee's children was erroneous since these children were born to the employee's wife during the existence of their marriage, before they were divorced. The question on the application is expressly phrased so as to make clear that it is for the Board, not the applicant, in case of any question, to determine whether a child is the child of the employee and is legitimate.

"To grant relief in these circumstances by way of a private bill would establish a precedent which would lead to demands from other persons for similar relief in similar circumstances. The volume of cases in which misstatements of this character result in payments not due, which have to be recovered, while small in a relative sense to the Board's overall volume, is not inconsiderable in terms of absolute numbers. Congress has authorized the Board to waive overpayments, payments of amounts not due, in cases where, in the judgment of the Board, first, the individual paid was without fault and, second, recovery would be contrary to the purposes of the act or against equity or good conscience. The Board had made no such determinations here. The enactment of this bill would in effect circumvent the requirements for waiver now in the law. The Board opposes any such bill, the purpose of which is to extend to certain individuals benefits or privileges not available to all others similarly situated."

The committee disagrees with the conclusions of the Railroad Retirement Board and finds that the bill, S. 3750, should be recommended favorably.

MISS ELISABETH VON OBERNDORFF

The bill (H.R. 3901) for the relief of Miss Elisabeth von Oberndorff was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1848), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to authorize and direct the alien property custodian to return the funds vested by the Office of Alien Property belonging to Miss

Elisabeth von Oberndorff, vested under order No. 4115, dated October 2, 1944.

STATEMENT

The facts of the case as found in House Report No. 1768, are as follows:

"The bill would make it possible to return the proceeds of the assets of Miss Elisabeth von Oberndorff which were vested by the Office of Alien Property by order No. 4115 of October 2, 1944. As is stated in the report of the Justice Department to the committee on the bill, the proceeds of these assets are estimated to approximate \$185,000. The vesting order vested all of the outstanding capital stock of the Gardes Realty Corp., a New York corporation, and consisting of 3,250 shares of stock on October 2, 1944. That order found that the stock registered in the name of Fortunata Societe Anonyme, a Luxembourg corporation, was beneficially owned by Elisabeth von Oberndorff. The vesting was based on the fact that Miss von Oberndorff was a German citizen residing in Luxembourg, which was then enemy occupied territory.

"Miss von Oberndorff sought the return of the stock in a proceeding under section 32 of the Trading With the Enemy Act on the ground that she was the victim of enemy oppression. A hearing was conducted on her claim and the hearing examiner concluded in a decision dated October 6, 1952, that Miss von Oberndorff was not entitled to a return of her stock. It appears that the hearing examiner concluded that Miss von Oberndorff failed to establish that she was denied the full rights of German citizenship as a result of the application of German laws, decrees, or regulations discriminating against political, racial, or religious groups.

"A subcommittee hearing was conducted on this bill on March 17, 1966. At that time, reference was made to the findings of the hearing examiner in the hearing which resulted in the decision of October 6, 1952. The hearing examiner found that Miss von Oberndorff was the owner of all of the outstanding shares of the Luxembourg corporation and, therefore, was the beneficial owner of the stock in question. It was established that Miss von Oberndorff resided in her father's house in Diekirch, Luxembourg, continuously between 1934 and 1950. In 1950, she first entered the United States. On January 23, 1951, she went to Canada and returned the same day as a non-preference-quota immigrant. Subsequent to that date, she has resided in New York. The hearing examiner found that following the occupation of Luxembourg by German forces during World War II, she refused to take a position in the German Nazi women's organization. She was required to work in a factory, and was subsequently directed to work in a rag processing factory; however, she was able to avoid this work by working as a medical assistant and driver for Dr. Joseph Sinner. While she was so employed, she drove the doctor to places where political refugees were hidden who were receiving medical treatment. The following findings of the hearing commissioner as contained in the copy filed with the committee contain material which the committee feels is relevant to the question of relief as provided in the bill:

"17. In 1944, a fugitive from the German SS Corps was given meals and a hiding place in claimant's home. A statement from the fugitive, Jean Roeder, in part is as follows:

"But also here it was already an open secret that I had slain two SS men. I had to keep myself completely under cover. In this I succeeded in the castle of Count von Oberndorff at Moestroff, where I received meals and a safe hiding place with permission of the Count and his daughter, Countess Elisabeth von Oberndorff. Well aware of the danger to be executed with me, if I would be found in the castle, they never-

theless did not push me back nor did they surrender me, although it would have been very easy for them to denunciate me to the Gestapo, which was constantly passing by."

"18. The claimant gave 1,000 francs to the leader of the resistance movement in Luxembourg and after he was arrested by the Gestapo she gave his wife 2,400 francs.

"19. The occupation authorities were unaware of the aid the claimant gave to the Luxembourg resistance movement.

"The comprehensive statement of Dr. J. Sinner concludes as follows:

"Also, she continued to carry on her relationship with the Luxembourg resistance movement, in spite of the risk, well known to her, that if discovered she would be tried for high treason."

"20. Throughout the war claimant maintained a friendly, sympathetic attitude toward Luxembourg and the United States."

"As has been noted, this record was found not to be sufficient to authorize relief under the provisions of the Trading With the Enemy Act authorizing the return of vested property. The Justice Department in its report states that enactment of the bill would accord her a preferential treatment and adds that there appears to be no reasonable basis for granting this preference. The committee feels that this record does provide a basis for legislative relief by the Congress. A similar bill for the relief of the same claimant was reported by the committee in the 84th Congress (H. Rept. No. 2457, 84th Cong., 2d sess.). At the hearing on the bill, it was stated that Miss von Oberndorff was the daughter of a German diplomat who left the diplomatic service in 1920 and was opposed to the rise of nazism in Germany. He left Germany and moved to the Saar. When the Saar was occupied by the Germans, the family moved to Luxembourg. Her brother became a Dutch citizen and was commended and cited by the Government of the Netherlands for his heroism in connection with his activities against the Nazis. Under the circumstances, the committee feels that legislative relief is justified and recommends that the bill be considered favorably."

In agreement with the views of the House, the committee recommends the bill favorably.

CHARLES BERNSTEIN

The Senate proceeded to consider the bill (S. 3301) for the relief of Charles Bernstein which had been reported from the Committee on the Judiciary, with an amendment on page 1, line 10, after the word "offense", to strike out "of which he was innocent" and insert "for which he subsequently received a full and unconditional pardon from the President of the United States"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles Bernstein of Washington, District of Columbia, the sum of \$10,000. Such sum shall be in full satisfaction of all claims of the said Charles Bernstein against the United States for damages sustained by him as the result of his arrest, arraignment, trial, conviction, and incarceration for an offense for which he subsequently received a full and unconditional pardon from the President of the United States; and such sum shall not constitute income for Federal income tax purposes: Provided, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same

shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1868), explaining the purposes of the bill.

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

PURPOSE

The purpose of the bill, as amended, is to authorize and direct the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Charles Bernstein of Washington, District of Columbia, the sum of \$10,000. Such sum shall be in full satisfaction of all claims of the said Charles Bernstein against the United States for damages sustained by him as the result of his arrest, arraignment, trial, conviction, and incarceration for an offense of which he was innocent; and such sum shall not constitute income for Federal income tax purposes:

STATEMENT

The Department of Justice interposes no objection to the bill.

The facts of the case as found in the departmental report are as follows:

"The crime for which Charles Bernstein was convicted and sentenced was a murder which occurred in the District of Columbia, in April 1932. As a result of information received from a confidential informant, the Washington police caused Charles Bernstein to be arrested in Philadelphia, in June 1932. Mr. Bernstein, under the name of Charles Harris, was indicted and convicted of murder in the first degree in the District of Columbia and in October 1933, he was sentenced to be electrocuted. The evidence against him consisted of the testimony of two witnesses, one of whom identified him as the murderer, and the other of whom identified him as having been parked in the murder car at the scene on the preceding day.

"On appeal, the Court of Appeals for the District of Columbia affirmed the judgment in May 1934, and the Supreme Court denied certiorari in October of that year. The mandate of the court of appeals was filed in October and the execution was set for January 11, 1935.

"Charles Bernstein's case interested a number of Washington citizens who believed that the evidence on which he was convicted was inadequate and that he had not been proven guilty beyond a reasonable doubt. Subsequently the Federal Bureau of Investigation conducted an investigation of the case which disclosed, among other things, that several other individuals who lived on the street where the murder took place were awakened by the shotgun blasts and saw the murderer. However, none of these persons were able to identify Mr. Bernstein. One witness, after having gone to the District jail and looked at Mr. Bernstein, stated that the man she had seen was taller, of lighter complexion, and lighter in weight. It was further disclosed that both the automobile dealer who sold the vehicle in which the murderer escaped and his secretary stated that Charles Bernstein was not the purchaser.

"In view of the doubts surrounding this case, President Roosevelt granted Charles Bernstein several reprieves, and in May 1935 commuted his sentence to life imprisonment.

In June 1940 the President made a conditional commutation of sentence to the time served, the condition being that Mr. Bernstein remain under supervision similar to parole. In April 1954 President Truman granted Charles Bernstein a full and unconditional pardon.

"The bill on page 1, line 10, states that the offense which occasioned Mr. Bernstein's imprisonment was one 'of which he was innocent.' We point out that Mr. Bernstein's pardon contained no statement of his innocence. Further, since 34 years have elapsed since the occurrence of the crime, there would appear to be no way, at this time, in which his innocence can be conclusively and unquestionably established. However, it is generally agreed that the evidence and information which has accumulated in the intervening years since his conviction and appeal casts doubt on the credibility of the witnesses and whether Mr. Bernstein was guilty beyond a reasonable doubt. Therefore, if in view of the time he spent under sentence of death, the time served in prison, and the resultant hardship and anguish endured by him, the Congress wishes to award Charles Bernstein the sum of \$10,000, the Department of Justice will interpose no objection."

In agreement with the views of the Attorney General, the committee recommends that the bill be favorably enacted.

MARIA ROSSI

The bill (H.R. 2129) for the relief of Maria Rossi was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1882), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant first preference status to Maria Rossi, who is to be adopted by citizens of the United States, which is the status normally enjoyed by the alien sons and daughters of U.S. citizens.

DR. ERIC J. LAZARO

The bill (H.R. 3526) for the relief of Dr. Eric J. Lazaro was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1883), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable Dr. Eric J. Lazaro to file a petition for naturalization.

DR. JULIO CESAR MUNIZ Y SOTOLONGO

The bill (H.R. 3531) for the relief of Dr. Julio Cesar Muniz y Sotolongo was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed

in the RECORD an excerpt from the report (No. 1884), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Julio Cesar Muniz y Sotolongo as of November 7, 1960, in order to permit him to file a petition for naturalization.

JAMES S. KAHRIMAN

The bill (H.R. 3756) for the relief of James S. Kahrman was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1885), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant first preference status to the adopted son of U.S. citizens, which is the status normally enjoyed by the alien sons and daughters of U.S. citizens.

ERNEST BUILLET

The bill (H.R. 3879) for the relief of Ernest BULLET was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1886), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to qualify for immediate relative status as the adopted son of citizens of the United States.

DR. JORGE IGNACIO MIQUEL FRANCA

The bill (H.R. 5622) for the relief of Dr. Jorge Ignacio Miquel Franca was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1887), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Jorge Ignacio Miquel Franca as of July 23, 1961, the date on which he was admitted to the United States as a visitor.

DR. JOSE A. G. MENDOZA

The bill (H.R. 6115) for the relief of Dr. Jose A. G. Mendoza was considered,

ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1888), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Jose A. G. Mendoza as of September 2, 1960.

DR. BIENVENIDO BENACH
CARRERAS

The bill (H.R. 6226) for the relief of Dr. Bienvenido Benach Carreras was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1889), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. ANTONIO U. CATASUS

The bill (H.R. 6443) for the relief of Dr. Antonio U. Catasus was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1890), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Antonio U. Catasus as of September 3, 1959, the date on which he was admitted to the United States as a visitor.

DR. MYRIAM DE LA CARIDAD ARES
Y FERNANDEZ DE BOSCH

The bill (H.R. 6899) for the relief of Dr. Myriam de la Caridad Ares y Fernandez de Bosch was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1891), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. RICARDO R. FUSTE

The bill (H.R. 7341) for the relief of Dr. Ricardo R. Fuste was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1892), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent resident in the United States to Dr. Ricardo R. Fuste as of September 12, 1961, the date on which he was paroled into the United States.

MISS RAJKA SODA

The bill (H.R. 8614) for the relief of Miss Rajka Soda was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1893), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant second preference status to the alien child adopted by a lawful resident alien of the United States.

DR. LUIS E. BENCOMO

The bill (H.R. 10253) for the relief of Dr. Luis E. Bencomo was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1894), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Luis E. Bencomo as of June 5, 1961, the date on which he entered the United States as a visitor.

DR. ALLAN BAUMAL

The bill (H.R. 10259) for the relief of Dr. Allan Baupal was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1895), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable Dr. Allan Baupal to file a petition for naturalization.

GLORIA ALESNA RELAMPAGOS

The bill (H.R. 10832) for the relief of Gloria Alesna Relampagos was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1896), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the admission into the United States in an immediate relative status of the alien child adopted by citizens of the United States.

DR. PEDRO RAPHAEL

The bill (H.R. 11224) for the relief of Dr. Pedro Raphael was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1897), explaining the purpose of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Pedro Raphael as of August 17, 1961, the date on which he was paroled into the United States.

JULIETA GLORIA BERSAMIN

The bill (H.R. 11254) for the relief of Julieta Gloria Bersamin was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1898), explaining the purpose of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the admission into the United States in an immediate relative status of the alien child adopted by a citizen of the United States.

DR. JACINTA LLORENS

The bill (H.R. 11590) for the relief of Dr. Jacinta Llorens was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1899), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Jacinta Llorens as of June 13,

1960, the date on which she entered the United States as a nonimmigrant visitor.

DR. JUAN ANTONIO DUMOIS

The bill (H.R. 11640) for the relief of Dr. Juan Antonio Dumois was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1868), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Juan Antonio Dumois as of August 19, 1961, the date on which he was paroled into the United States.

MARIA KARIDAKIS

The bill (H.R. 11952) for the relief of Maria Karidakis was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1901), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the admission into the United States in an immediate relative status of the minor child adopted by citizens of the United States.

MURIEL WILLIAMS

The bill (H.R. 11957) for the relief of Muriel Williams was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1902), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to transmit U.S. citizenship to her daughter.

DR. AUGUSTO J. FERNANDEZ-CONDE

The bill (H.R. 12317) for the relief of Dr. Augusto J. Fernandez-Conde was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1903), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. MARIO ORLANDO SANTOS-ESTEVEZ

The bill (H.R. 12781) for the relief of Dr. Mario Orlando Santos-Estevez was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1904), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

ALEXANDER FRANCIS SAKER, M.D.

The bill (H.R. 12920) for the relief of Alexander Francis Saker, M.D., was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1905), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

MARIO P. NAVARRO, M.D.

The bill (H.R. 13101) for the relief of Mario P. Navarro, M.D., was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1906), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

ANTONIO BARQUET CHEDIAK

The bill (H.R. 14173) for the relief of Antonio Barquet Chediak was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1907), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

RENATO CAMACHO CASTRO

The bill (H.R. 14984) for the relief of Renato Camacho Castro was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1908), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Renato Camacho Castro as of February 20, 1958.

DR. ALI HAJI-MORAD

The bill (H.R. 15488) for the relief of Dr. Ali Haji-Morad was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1909), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Ali Haji-Morad as of June 28, 1956, and to deem his residence and physical presence since that date to meet the naturalization requirements of the Immigration and Nationality Act.

VICENTE FERNANDEZ MARINO

The bill (H.R. 16522) for the relief of Vicente Fernandez Marino was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1910), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. ANTONIO RONDON DELGADO

The bill (H.R. 16610) for the relief of Dr. Antonio Rondon Delgado was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed

in the RECORD an excerpt from the report (No. 1911), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. FIDEL RODRIGUEZ-CUBAS

The bill (H.R. 18033) for the relief of Dr. Fidel Rodriguez-Cubas was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1912), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. MIGUEL ANGEL MARTINEZ Y CORPAS

The Senate proceeded to consider the bill (H.R. 3530) for the relief of Dr. Miguel Angel Martinez y Corpas, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Doctor Miguel Angel Martinez y Corpas shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 25, 1960.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1913), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Dr. Miguel Angel Martinez y Corpas as of October 25, 1960. The bill has been amended in accordance with established precedents to merely grant lawful residence as of the date of a prior admission in a temporary status, rather than to waive the naturalization requirements of the Immigration and Nationality Act.

DR. ANTONIO B. SANTILLANO

The Senate proceeded to consider the bill (H.R. 10288) for the relief of Dr. Antonio B. Santillano, which had been reported from the Committee on the

Judiciary, with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Doctor Antonio B. Santillano shall be held and considered to have been lawfully admitted to the United States for permanent residence on December 3, 1957, and the periods of time he has resided in this country since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of the said Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1914), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Dr. Antonio B. Santillano as of December 3, 1957, and, based on his residence and physical presence since that date, to file a petition for naturalization. The bill has been amended in accordance with established precedents to grant lawful residence as of the date of a prior admission in a temporary status, rather than to waive the naturalization requirements of the Immigration and Nationality Act.

NERMIN DEMIRBAG LAVAPIES

The Senate proceeded to consider the bill (H.R. 13192) for the relief of Nermin Demirbag Lavapies, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Nermin Demirbag Lavapies shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 26, 1957.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1915), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Nermin Demirbag Lavapies as of June 26, 1957. The bill has been amended in accordance with established precedents to merely grant lawful residence as of the date of a prior admission in a temporary status, rather than to waive the naturalization requirements of the Immigration and Nationality Act.

DISPOSAL OF NICKEL FROM THE NATIONAL STOCKPILE

The bill (H.R. 17376) to authorize the disposal of nickel from the national stockpile was considered, ordered to a third reading, read the third time, and passed.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1916), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

This measure would grant congressional approval to dispose of approximately 24.5 million pounds of stockpile grade nickel from the national stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional approval is required

Under existing law, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of these materials is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b), with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of nickel upon enactment of this measure.

Why disposal is proposed

The nickel to be disposed of is surplus to stockpile requirements and there is a serious shortage of nickel among the industrial users due to a disruption to the principal source of supply in Canada.

As of June 30, 1966, Government inventories of nickel totaled 128,759,932 pounds and the stockpile objective, established July 18, 1963, is 100 million pounds leaving a total excess of 28,759,932 pounds. Of this total authority exists for the disposal of 3,388,406 pounds from the Defense Production Act inventory and 876,526 pounds from the national stockpile. This bill covers the remaining excess of approximately 24.5 million pounds.

The approximately 24.5 million pounds covered by this bill and the 4.3 million pounds currently authorized for disposal would together, provide sufficient material to satisfy full industry requirements for a period of 1 month. This quantity, under a carefully controlled allocation program together with other potentially available supplies, should be sufficient to cover urgent domestic industry requirements for as much as 60 to 90 days.

Information on nickel

In 1965 U.S. mine production of nickel was approximately 32 million pounds. Primary plant production was approximately 27 million pounds and secondary and byproduct

production 39 million pounds. Canada produced approximately 538 million pounds of the world total of 944 million pounds.

U.S. consumption of nickel in 1965 was approximately 344 million pounds. Imports for consumption, of which 90 percent was from Canada, were approximately 526 million pounds. U.S. exports of nickel were approximately 42 million pounds, primarily in nickel-alloy metals, nickel scrap, and nickel catalysts.

FISCAL DATA

The average acquisition cost of the nickel in the national stockpile was 54.67 cents per pound. The present market value is about 77.75 cents per pound.

FEDERAL RULES OF CIVIL PROCEDURE

Mr. SMATHERS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 3254.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3254) to amend sections 2072 and 2112 of title 28, United States Code, with respect to the scope of the Federal Rules of Civil Procedure and to repeal inconsistent legislation which was, on page 2, lines 19 and 20, strike out "Section 11 of the Act of December 29, 1950 (ch. 1189, 64 Stat. 1132; 5 U.S.C. 1041), is", and insert "Section 2352 of title 28 of the United States Code and item 2352 in the analysis of chapter 158 of title 28 of the United States Code, are".

Mr. SMATHERS. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on the motion of the Senator from Florida that the Senate concur in the amendment of the House to S. 3254. The motion was agreed to.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. SMATHERS. Mr. President, if there is no further business to come before the Senate at this time, in accordance with the previous order, I move that the Senate stand in adjournment until 9 o'clock tomorrow morning.

The motion was agreed to, and (at 6 o'clock and 13 minutes p.m.) the Senate adjourned, until tomorrow, Saturday, October 22, 1966, at 9 o'clock a.m.

HOUSE OF REPRESENTATIVES

FRIDAY, OCTOBER 21, 1966

The House met at 10 a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Blessed is everyone that feareth the Lord; that walketh in His ways.—Psalm 128: 1.

O God, who art the Creator and the sustainer of all mankind, without whose benediction all our labor is in vain and with whose blessing we walk the way to life and light—we pause before Thee this moment seeking strength and peace and guidance from Thee.

Strengthen us when we are weak. May the peace of Thy presence still the turmoil in our hearts and when we would go astray or stumble on the way make straight our paths before us and give us courage to walk with Thee.

For our loved ones, for our Nation and for the whole world of persons we pray. Together may we be led from war to peace, from fear to faith, from ill will to good will, from the depths of shallow living to the heights of a noble and sincere devotion.

So may a new world be born, even in our day. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

PRINTING OF COMMITTEE ACTIVITY REPORTS

Mr. BURLESON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURLESON. Mr. Speaker, with reference to the printing of committee activity reports for the session, I wish to remind the chairmen of all committees that the Joint Committee on Printing has very properly ruled that the printing of such reports both as committee prints and in the Record is duplication, the cost of which cannot be justified.

It is requested that committee chairmen decide whether they wish these reports printed as committee prints or in the Record since the Government Printing Office will be directed not to print them both ways.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, 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. 15183) entitled "An act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States."

The message also announced that the Senate agrees to the amendments of the House to a bill and a joint resolution of the Senate of the following titles:

S. 1319. An act to authorize a work release program for persons sentenced by the courts of the District of Columbia; to define the powers and duties in relation thereto, and for other purposes; and

S.J. Res. 167. Joint resolution to enable the United States to organize and hold an International Conference on Water for Peace in the United States in 1967 and authorize an appropriation therefor.

The message also announced that the Senate agrees to the amendments of the House to the bill S. 1674 entitled "An act to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes," with

amendments in which concurrence of the House is requested.

ELECTION OF AGNES M. WALDRON—MINORITY EMPLOYEE

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution, House Resolution 1071.

The Clerk read the resolution, as follows:

H. RES. 1071

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, Agnes M. Waldron is hereby designated a minority employee effective October 15, 1966 (to fill an existing vacancy), until otherwise ordered by the House, and shall receive compensation at the basic rate of \$7,000 per annum.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. GERALD R. FORD]?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INTERNATIONAL EDUCATION ACT

Mr. McCLORY. 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 Illinois?

There was no objection.

Mr. McCLORY. Mr. Speaker, yesterday I objected when the attempt was made to send the bill, H.R. 14643, the International Education Act, to conference.

Of course, the reason for my doing that is that such action would prevent the House of Representatives from considering and debating such Senate amendments in the Committee of the Whole House on the State of the Union as provided by rule XX of the rules of the House.

Rule XX of course has a specific purpose and it provides that the House of Representatives in Committee of the Whole House on the State of the Union may consider Senate amendments to bills passed by the House which Senate amendments substantially revise and change bills as passed by the House.

I might say that this measure was passed under the suspension rules of this House. It has never been debated fully either in this House or in the Senate.

I read the CONGRESSIONAL RECORD of the Senate proceedings. There appeared to be three Senators on the floor of the Senate at the time the bill was considered over there.

Mr. Speaker, this is an extremely important measure which involves \$156 million, as far as I can see. There are grave questions as to the wisdom of the legislation. I am not trying to be an obstructionist. I would like to contribute to the end result of the legislation. I do think it is the better part of wisdom not to act on the legislation at this session but to have it held over until early next session. At that time we would be able to consider the subject